

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JIMMIE LEE SMITH, #57598,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 1:06-CV-981-WKW
)	
PAUL RICHARDSON, STEPHEN MOON,)	“
and KEITH FITZGERALD,)	
)	
Defendants.)	

SPECIAL REPORT AND ANSWER

Come now defendants, **Corrections Officer Paul Richardson, Corrections Officer Stephen Moon and Corrections Officer Keith Fitzgerald**, in the above-styled cause and for Answer to plaintiff's Complaint, state as follows:

1. As to Paragraph 1 of plaintiff's Complaint, defendants assert that at this time they are without personal knowledge or information sufficient to form a belief as to the truth of the averments.
2. As to Paragraph 2 of plaintiff's Complaint, defendants assert that at this time they are without personal knowledge or information sufficient to form a belief as to the truth of the averments.
3. As to Paragraph 3 of plaintiff's Complaint, defendants deny that the constitutional rights of plaintiff have been violated and demand strict proof thereof.

4. As to Paragraph 4 of plaintiff's Complaint, defendants deny that plaintiff's constitutional rights have been violated at any time.

5. As to Paragraph 5 of plaintiff's Complaint, defendants deny that plaintiff's Constitutional rights have been violated. Defendant asserts that while in the Houston County Jail, plaintiff has never been wrongly deprived of a right protected by the United States Constitution and the court decisions interpretive thereof. For more complete factual information regarding plaintiff's Complaint and defendants' response thereto, please refer to the **Affidavits of Corrections Officer Paul Richardson, Corrections Officer Stephen Moon, Corrections Officer Keith Fitzgerald, Corrections Officer Stephanie Edelstein and Kristin E. Rocco** (Exhibits "1", "2", "3", "4" and "5" respectively).

6. As to Paragraph 6 of plaintiff's Complaint, defendants assert that the plaintiff is not entitled to any relief from this Court as there has been no violation, constitutional or otherwise.

AFFIRMATIVE AND ADDITIONAL DEFENSES

FIRST DEFENSE

Plaintiff's Complaint and the claims therein, or alternatively portions thereof, fail to state a claim upon which relief can be granted.

SECOND DEFENSE

Any allegations of plaintiff's Complaint not explicitly admitted herein are denied and strict proof is demanded to support such allegations.

THIRD DEFENSE

Plaintiff is not entitled to any award of punitive damages should this complaint be construed to request them.

FOURTH DEFENSE

Defendants assert that cities and counties are absolutely immune from punitive damages under §1983. City of Newport v. Fact Concerts, Inc., 453 U.S. 247, 271 (1981).

FIFTH DEFENSE

Plaintiff is not entitled to any relief requested in the Complaint.

SIXTH DEFENSE

There is no causal relation between the acts of the defendants and any injury or damage allegedly suffered by the plaintiff.

SEVENTH DEFENSE

Plaintiff's injuries and damages, if any, were a result or consequence of supervening, independent or intervening conduct, events or acts by other persons or entities over whom defendants had no control or right of control.

EIGHTH DEFENSE

Defendants affirmatively aver that all of their actions were taken in good faith. Plaintiff cannot recover based upon plaintiff's conclusory, unsupported, bareboned and vague allegations against defendants as they are unsupported by fact or law.

NINTH DEFENSE

The allegations contained in plaintiff's Complaint against the defendants, sued in their individual capacity, fail to comply with the heightened specificity requirement of Rule 8 in § 1983 cases against persons sued in their individual capacities. See Oladeinde v. City of Birmingham, 963 F.2d 1481, 1485 (11th Cir. 1992); Arnold v. Board of Educ. of Escambia County, 880 F.2d 305, 309 (11th Cir. 1989).

TENTH DEFENSE

Defendants affirmatively deny any and all alleged claims by the plaintiff concerning his alleged deprivation of civil rights.

ELEVENTH DEFENSE

Should the plaintiff's complaint be construed to state claims under Alabama law, all state claims against defendants in their official capacity are barred because the Eleventh Amendment to the United States Constitution prohibits federal courts from hearing state law claims against state officials under the Doctrine of Pendant Jurisdiction. Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 117-121 (1984).

TWELFTH DEFENSE

All federal claims against defendants in their official capacity are barred by the Eleventh Amendment of the United States Constitution.

THIRTEENTH DEFENSE

In addition to defendants Eleventh Amendment argument, they further contend that they are not "persons" within the meaning of 42 U.S.C. § 1983. The plaintiff, by suing defendants in their official capacity, is seeking damages from the State of Alabama. Neither a state, nor its officials, as sued in their official capacities are "persons" under 42 U.S.C. § 1983. Will v. Michigan Dept. of State Police, 109 S.Ct. 2304, 2312 (1989) and Hafer v. Melo, 502 U.S. 21, 22-23 (1991).

FOURTEENTH DEFENSE

Defendants assert the defense of qualified immunity. Further, defendants plead the privileges, qualified immunities, substantive immunities, state law immunities, absolute immunities, defenses and good faith immunities given to officers of the law, governmental entities or otherwise

in the above styled cause. Defendants state that any action taken by them was made in good faith and in the performance of their duty as Sheriff, Deputy, Officer or Sheriff Department Employee of Houston County, Alabama.

FIFTEENTH DEFENSE

Defendants assert and plead the defense of substantive or state law immunity under the law of the State of Alabama.

SIXTEENTH DEFENSE

Defendants assert and plead sovereign immunity provided by Alabama Constitution 1901, Article I, §14.

SEVENTEENTH DEFENSE

Defendants assert that the allegations within the Complaint and the facts as will be developed are insufficient to invoke the jurisdiction of this Court.

EIGHTEENTH DEFENSE

Plaintiff's Complaint does not allege a violation of rights secured by the United States Constitution.

NINETEENTH DEFENSE

Defendants plead and assert the statutory immunity provided by Act of the Alabama Legislature, designated as *Act Number 94-640*, effective April 26, 1994, and Codified as *Ala. Code* § 6-5-338, which provides absolute immunity to all peace officers and governmental units.

TWENTIETH DEFENSE

That the plaintiff has failed to exhaust his administrative remedies as mandated by the Prison Litigation Reform Act amendment to 42 U.S.C. § 1997e(a). Specifically, plaintiff has filed this lawsuit against defendants who are state officers without first exhausting his administrative remedies by filing a claim with and proceeding before the Alabama State Board of Adjustments as required by Ala. Code § 41-9-60.

TWENTY-FIRST DEFENSE

That the Prison Litigation Reform Act amendment to 42 U.S.C. §1997e(c) mandates the dismissal of plaintiff's claims herein as this action is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks money damages from defendants who are entitled to immunity.

TWENTY-SECOND DEFENSE

That the plaintiff does not plead or otherwise specifically show a physical injury as required by 42 U.S.C. §1997e(e) which provides that

No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

TWENTY-THIRD DEFENSE

That the plaintiff failed to comply with 28 U.S.C. §1915 with respect to the requirements and limitations inmates must follow in filing in forma paupers actions in federal court.

TWENTY-FOURTH DEFENSE

That, pursuant to 28 U.S.C. §1915(f), plaintiff be required to make payment for all court costs in this matter in the same manner as provided for filing fees in 28 U.S.C. §1915(a)(2).

TWENTY-FIFTH DEFENSE

Pursuant to *28 U.S.C. §1915A*, this court is requested to screen and dismiss this case, as soon as possible, either before or after docketing, as this case is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks money damages from defendants who are state officers entitled to immunity. These same standards are continued and provided for in *42 U.S.C. §1997e(c)*.

TWENTY-SIXTH DEFENSE

Defendants assert the affirmative defense of the contributory negligence of plaintiff.

TWENTY-SEVENTH DEFENSE

Defendants assert the affirmative defense of the assumption of the risk by plaintiff.

TWENTY-EIGHTH DEFENSE

Defendants assert the truth as a defense in this case.

TWENTY-NINTH DEFENSE

Defendants assert the affirmative defense of waiver which constitutes an avoidance or affirmative defense in this action.

THIRTIETH DEFENSE

Defendants deny that they breached a duty or obligation owed to the plaintiff.

THIRTY-FIRST DEFENSE

Should plaintiff's claims be construed as claims for punitive damages, the defendants allege that:

1. Plaintiff's claims for punitive damages are prohibited by the due process clauses of the Fifth and Fourteenth Amendments to the United States Constitution and Article I Section 6 of the Alabama Constitution.

2. Plaintiff's claims for punitive damages are prohibited by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article I, Section 6, 1 and 22 of the Alabama Constitution.

3. Plaintiff's claims for punitive damages are prohibited under the Contract Clause of Article I, Section 10 of the United States Constitution.

4. Plaintiff's claims for punitive damages violate the Due Process Clause of the Fourteenth Amendment of the United States Constitution that the claims for punitive damages are vague and not rationally related to any legitimate government interests.

5. Plaintiff's claims for punitive damages violate the Sixth Amendment of the United States Constitution in that the claims for punitive damages are claims which are penal in nature, entitling the defendants to the same procedural safeguards accorded to a criminal defendant under the Sixth Amendment.

6. Plaintiff's claims for punitive damages violate the Self Incrimination Clause of the Fifth Amendment of the United States Constitution in that the damages claimed are penal in nature while the defendants are required to disclose documents and/or other evidence without safeguard against self-incrimination set out in the Fifth Amendment.

7. Plaintiff's claims for punitive damages violate the Fifth Amendment of the United States Constitution, which prohibits deprivation of life, liberty or property except by due process of

law and that the claims for punitive damages are vague and not rationally related to any legitimate government interest.

8. Plaintiff's claims for punitive damages violate the rights guaranteed by the United States Constitution in that the claim for punitive damages is penal in nature for which the burden of proof on plaintiff is less than the "beyond a reasonable doubt" standard required in criminal cases.

9. Plaintiff's claims for punitive damages are unconstitutional under the Constitution of the State of Alabama which provides in Article I, Section 6, that no person shall be deprived of life, liberty or property, except by due process of law, and that the punitive damages claimed are vague and not rationally related to any legitimate governments interests.

10. Plaintiff's claims for punitive damages are unconstitutional under the Constitution of the State of Alabama which provides in Article I, Section 6, that no person shall be deprived of life, liberty or property, except by due process of law, in that the punitive damages claimed which are penal in nature, require a burden of proof on the plaintiff which is less than a "beyond a reasonable doubt" burden of proof required in criminal cases.

11. Plaintiff's claims for punitive damages are unconstitutional under the Constitution of the State of Alabama in that they violate Article I, Section 6, by claiming punitive damages which are penal in nature while the defendants are compelled to disclose documents and/or other evidence without a constitutional safeguard against self-incrimination.

THIRTY-SECOND DEFENSE

Should the plaintiff's complaint be construed to claim punitive damages, plaintiff's claims for punitive damages are barred by the provisions of *Ala. Code §§ 6-11-20, 6-11-21, 6-11-26 and 6-11-27*.

THIRTY-THIRD DEFENSE

Defendants are entitled to immunity under state law from any state law claims deemed to be asserted by the plaintiff.

THIRTY-FOURTH DEFENSE

Defendants are immune from punitive damages under *42 U.S.C. § 1983 and 42 U.S.C. § 1985*.

THIRTY-FIFTH DEFENSE

To the extent that plaintiff's claims are premised upon a *respondeat superior* theory, said claims are due to be dismissed because the plaintiff cannot recover for claims which are premised upon a *respondeat superior* theory.

THIRTY-SIXTH DEFENSE

The plaintiff cannot recover against defendants in this case because Alabama law provides sufficient due process remedies for the allegations made by plaintiff herein and such remedies are constitutionally adequate.

THIRTY-SEVENTH DEFENSE

The Sheriff and his corrections officers are state officers and are policy makers for the State of Alabama. Under the Alabama Constitution of 1901, sheriffs are specifically designated as *state*

executive officials. *Id.* § 112 (“The executive department shall consist of a governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, superintendent of education, commissioner of agriculture and industries, and a sheriff for each county.”) “[A]n Alabama Sheriff acts exclusively for the state rather than for the county in operating a county jail.” Turquitt v. Jefferson County, Ala., 137 F.3d 1285 (11th Circuit 1998) (en banc).

THIRTY-EIGHTH DEFENSE

Defendants assert that plaintiff's Complaint is frivolous and filed in bad faith solely for the purpose of harassment and intimidation and request this Court pursuant to 42 U.S.C. § 1988 to award defendants reasonable attorneys fees and costs incurred in the defense of this case.

Defendants respectfully request this court to treat this Special Report and Answer as Motion for Summary Judgment.

Respectfully submitted,

SHERRER, JONES & TERRY, P.C.

s/Gary C. Sherrer

GARY C. SHERRER, ATTORNEY FOR
THE ABOVE-REFERENCED DEFENDANTS
Alabama Attorney Code No. SHE-016

OF COUNSEL:

SHERRER, JONES & TERRY, P.C.
335 WEST MAIN STREET
DOTHAN, ALABAMA 36301
(334) 678-0100

CERTIFICATE OF SERVICE

I, Gary C. Sherrer, do hereby certify that I have served a copy of the foregoing upon Jimmie Lee Smith, #57598, c/o The Houston County Jail, 901 East Main Street, Dothan, Alabama 36301, by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this the 12th day of December, 2006.

s/Gary C. Sherrer
OF COUNSEL

Because of the recent problems the jail has encountered with contraband including but not limited two fire arms being smuggled into the jail, it is the policy of the jail to do a non-contact visual body and full clothing search of any inmate who has been outside of secured areas of the jail. At approx 10:48 p.m. on October 18, 2006, I was taking the plaintiff and another inmate to their cells from their duties in the jail laundry. Because the plaintiff and the other inmate had been outside of their Pod or cell block and had been working in an unsecured area of the jail, I directed the inmates to one of the storage room areas to have them disrobe and hand me their clothing to search. As a part of the search, we have them hold their arms out to check their arm pits, we have them turn around, squat and cough, we have them open their mouths so that we can look into their mouths and we check the bottoms of their feet. No touching of the inmate takes place. This procedure is required of all inmates that work in unsecured areas of the jail as trustees.

In order to perform the required search, I instructed both the plaintiff and the other inmate to go to the supply room to be searched. The plaintiff refused to go to the supply room. I instructed the inmate to go to the supply room more than three times. The plaintiff continued to refuse, was belligerent, uncooperative, was shouting profanity and was shaking his hand and finger at me in a threatening manner. At no time was the plaintiff otherwise physically restrained by handcuffs or leg restraints. Apparently Officer Moon overheard the plaintiff's shouting and came to my assistance. After Officer Moon arrived, Officer Moon along with myself told the plaintiff that he was no different from any other inmate and that he was going to be searched. The plaintiff again refused to comply and continued to shout and be uncooperative. The plaintiff was again ordered to the supply room across from the laundry room. At that point the plaintiff went into the supply room as he was ordered.

In the supply room, I ordered the plaintiff to begin removing his clothing and to submit to the search. The plaintiff again refused saying that he was not going to do it. I again ordered the plaintiff to submit to the search and the plaintiff again refused to do so. At that point, both Officer Moon and I pulled our tasers. Officer Moon called for additional backup requesting that Officer Fitzgerald report to our location and that we had a noncompliant inmate.

As Officer Fitzgerald arrived, Officer Moon gave the plaintiff a third order to comply adding that the plaintiff "will not be told again -- this is your final compliance order." Again the plaintiff remained noncompliant, uncooperative, belligerent and continued to shout that "he was not doing sh- t, I want a sergeant down here now." At that time Officer Moon and I activated our tasers and I deployed my taser. One of the taser prongs hit the plaintiff in his right middle finger and the other prong hit him in the left hip apparently in the fold of his uniform and did not make contact with him. Apparently my taser misfired for the plaintiff was not incapacitated and did not go down to the floor. All of the officers present ordered the plaintiff to get down on the floor at which time the plaintiff complied and got down on the floor. When the plaintiff was ordered to get up off the floor, the inmate again refused repeatedly to get off the floor and at that time Officer Fitzgerald was forced to remove the projectile air cartridge from his taser and hold the "drive stun" contacts against the plaintiff with the threat that he would discharge the taser if the plaintiff continued to refuse to get up off the floor. At that time the plaintiff got up off the floor.

Officer Fitzgerald took the plaintiff to the medical clinic where the plaintiff was checked for any injuries and was also searched by Officer Fitzgerald while in the medical clinic before the plaintiff was returned to his Pod. I filled out the use of force report/incident report and turned it into my supervisor for review.

My decision to discharge my taser against the actions of the plaintiff in this situation was made as an alternative to the use of other force that would have otherwise been necessary to get the plaintiff to comply. If I had not had the use of my taser, other force such as the use of pepper spray or direct contact force would have been necessary due to the actions of the plaintiff and his refusal to comply with repeated orders to submit to the required search.

With regard to the plaintiff's claims that he was discriminated against based upon his sexual orientation and race, those claims are without basis. All inmates of all races and sexual orientations are required to submit to the search required of the plaintiff if they are allowed to work or otherwise be out of secured areas of the jail. With regard to the plaintiff, I as well as the other officers knew prior to this event, that the plaintiff had been caught on more than one occasion with contraband and had been caught trying to pass contraband from one Pod to another Pod.



PAUL D. RICHARDSON

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Paul D. Richardson**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.


NOTARY PUBLIC
My Commission Expires: 12-9-2008

Because of the recent problems the jail has encountered with contraband including but not limited two fire arms being smuggled into the jail, it is the policy of the jail to do a non-contact visual body and full clothing search of any inmate who has been outside of secured areas of the jail. At approx 10:48 p.m. on October 18, 2006, Officer Richardson was taking the plaintiff and another inmate to their cells from their duties in the jail laundry. Because the plaintiff and the other inmate had been outside of their Pod or cell block and had been working in an unsecured area of the jail, Officer Richardson directed the inmates to one of the storage room areas to have them disrobe and hand him their clothing to search. As a part of the search, inmates are required to hold their arms out for their arm pits to be checked, are required to turn around, squat and cough, are required to open their mouths so that this officer can look into their mouths and the bottoms of their feet are also checked. No touching of the inmate takes place. This procedure is required of all inmates that work in unsecured areas of the jail as trustees.

In order to perform the required search, Officer Richardson instructed both the plaintiff and the other inmate to go to the supply room to be searched. The plaintiff refused to go to the supply room. Officer Richardson instructed the inmate to go to the supply room more than three times. The plaintiff continued to refuse, was belligerent, uncooperative, was shouting profanity and was shaking his hand and finger at Officer Richardson in a threatening manner. At no time was the plaintiff otherwise physically restrained by handcuffs or leg restraints. I overheard the plaintiff shouting and came to Officer Richardson's assistance. After I arrived, Officer Richardson and I told the plaintiff that he was no different from any other inmate and that he was going to be searched. The plaintiff again refused to comply and continued to shout and be uncooperative. The plaintiff was again ordered to the supply room across from the laundry room. At that point the plaintiff went into the

supply room as he was ordered.

In the supply room, Officer Richardson and I ordered the plaintiff to begin removing his clothing and to submit to the search. The plaintiff again was belligerent, shouting and refused, saying that he was not going to do it. Officer Richardson again ordered the plaintiff to submit to the search and the plaintiff again refused to do so. At that point, both Officer Richardson and I pulled our tasers. I called for additional backup requesting that Officer Fitzgerald report to our location and that we had a noncompliant inmate.

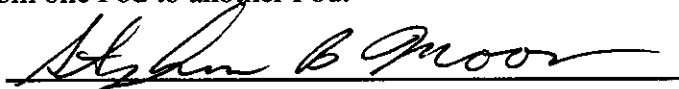
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Officer Fitzgerald took the plaintiff to the medical clinic where the plaintiff was checked for any injuries and was also searched by Officer Fitzgerald while in the medical clinic before the

plaintiff was returned to his Pod. Officer Richardson filled out the use of force report/incident report and turned it into his supervisor for review.

Officer Richardson's decision to discharge his taser against the actions of the plaintiff in this situation was made as an alternative to the use of other force that would have otherwise been necessary to get the plaintiff to comply. If he had not had the use of his taser, other force such as the use of pepper spray or direct contact force would have been necessary due to the actions of the plaintiff and his refusal to comply with repeated orders to submit to the required search.

With regard to the plaintiff's claims that he was discriminated against based upon his sexual orientation and race, those claims are without basis. All inmates of all races and sexual orientations are required to submit to the search required of the plaintiff if they are allowed to work or otherwise be out of secured areas of the jail. With regard to the plaintiff, I as well as the other officers knew prior to this event, that the plaintiff had been caught on more than one occasion with contraband and had been caught trying to pass contraband from one Pod to another Pod.

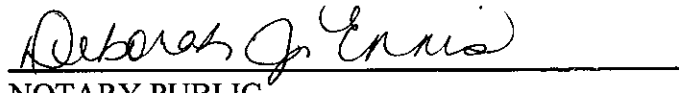

STEPHEN B. MOON

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Stephen B. Moon**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.


NOTARY PUBLIC
My Commission Expires: 12-9-2008

Because of the recent problems the jail has encountered with contraband including but not limited two fire arms being smuggled into the jail, it is the policy of the jail to do a non-contact visual body and full clothing search of any inmate who has been outside of secured areas of the jail.

On the evening of October 10, 2006, Officer Moon called for additional backup requesting that I report to his location and that they had a noncompliant inmate.

As I arrived, Officers Richardson and Moon gave the plaintiff a third order to comply adding that the plaintiff "will not be told again -- this is your final compliance order." Again the plaintiff remained noncompliant, uncooperative, belligerent and continued to shout that "he was not doing sh- t, I want a sergeant down here now." At that time Officers Richardson and Moon activated their tasers and Officer Richardson deployed his taser. One of the taser prongs hit the plaintiff in his right middle finger and the other prong hit him in the left hip apparently in the fold of his uniform and did not make contact with him. Apparently the taser misfired for the plaintiff was not incapacitated and did not go down to the floor. All of the officers present ordered the plaintiff to get down on the floor at which time the plaintiff complied and got down on the floor. When the plaintiff was ordered to get up off the floor, the inmate again refused repeatedly to get off the floor and at that time I was forced to remove the projectile air cartridge from my taser and hold the "drive stun" contacts against the plaintiff with the threat that I would discharge the taser if the plaintiff continued to refuse to get up off the floor. At that time the plaintiff got up off the floor.

I then took the plaintiff to the medical clinic where the plaintiff was checked for any injuries and I also searched the plaintiff while in the medical clinic before he was returned to his Pod

Officer Richardson's decision to discharge his taser against the actions of the plaintiff in this situation was made as an alternative to the use of other force that would have otherwise been

necessary to get the plaintiff to comply. If Officer Richardson had not had the use of his taser, other force such as the use of pepper spray or direct contact force would have been necessary due to the actions of the plaintiff and his refusal to comply with repeated orders to submit to the required search.

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KEITH FITZGERALD

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Keith Fitzgerald**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



NOTARY PUBLIC
My Commission Expires: 12-9-2008

I was working the control booth located in M, N and O Pods at the Houston County Jail on the night of October 18, 2006. I heard the plaintiff yelling that he did not want to be searched and that he wanted me to call the Sergeant. The plaintiff was belligerent, uncooperative and shouting as he refused numerous tries to submit to the search required for him to return to his Pod. I never opened the control booth door and did not intend to due to the hostile, belligerent, loud and uncooperative actions of the plaintiff.

Because of the plaintiff's actions, I got on the phone to request backup for Officer Richardson. As I was on the telephone, I heard a call for backup on the radio and later heard that the plaintiff had been tased due to his actions and refusal to comply with orders.

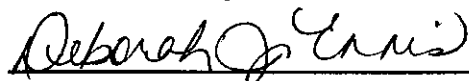

STEPHANIE EDELSTEIN

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Stephanie Edelstein**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of her information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



NOTARY PUBLIC

My Commission Expires: 12-9-2008

affidavit after review of the plaintiff's jail inmate file and the subject matter of plaintiff's Complaint in an attempt to address plaintiff's claims in this case. According to the Jail records, the plaintiff was at all times relevant to his claims, a post-conviction inmate.

The Houston County Jail, as a part of the Inmate Rules and Regulations, provides for an inmate Grievance Procedure. The plaintiff has filed numerous grievances, copies of which are contained in his jail medical file as if they relate to medical treatment and copies of which are contained in his jail inmate file as they relate to other matters. As his files reflect, the plaintiff was well versed in the filing of grievances and inmate request forms. According to his jail inmate file, the plaintiff filed five (5) inmate grievances related to non-medical issues. These non-medical grievances were addressed by the jail staff.

A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of the Inmate Rules of the Houston County Jail which contain the inmate instructions on filing a grievance are attached hereto as **Exhibit A** and are incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of Policy Number E-301 of the Houston County Jail Policy and Procedure Directive relating to Inmate Rules and Regulations is attached hereto as **Exhibit B** and is incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of Policy Number E-302 of the Houston County Jail Policy and Procedure Directive relating to Receipt of Inmate Rules and Regulations is attached hereto as **Exhibit C** and is incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of the plaintiff's Jail Docket Cards showing that

the plaintiff received a copy of the Inmate Rules are attached hereto as **Exhibit D**, and are incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of an Inmate Grievance Form available to and as provided to inmates is attached hereto as **Exhibit E**, and is incorporated herein by reference as if fully set forth. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of Policy Number E-401 of the Houston County Jail Policy and Procedure Directive relating to Inmate Grievances is attached hereto as **Exhibit F** and is incorporated herein by reference as if fully set forth.

Each time a taser is discharged in the Houston County Jail, the officer that discharges the taser is required to fill out a use of force report/incident report. A true and correct copy as kept in the ordinary course of the operation of the Houston County Jail of the use of force report/incident report resulting from the incident made the basis of Plaintiff's Complaint is attached hereto as **Exhibit G**, and is incorporated herein by reference as if fully set forth. I reviewed the use of force report/incident report and the attached statements and found the use of force in this situation to have been reasonably necessary and that the force used by the officers was reasonably proportionate to the difficult, tense, dangerous and uncertain situation faced by the officers in the situation made the basis of this lawsuit.

According to the jail records and reports from jail staff, while in the Houston County Jail the plaintiff was disciplined formally several times for various violations of the jail's rules and regulations and his file indicates that he not only knew how to appeal said decisions, but did in fact do so. Several of the Plaintiff's disciplinaries related to his having or attempting to pass contraband in the Jail.

I am one of the custodians of the records maintained by the Houston County Jail. A true and correct copy of the plaintiff's jail inmate file as maintained by the officers of the Houston County Jail in the ordinary course of the Jail's day to day business is attached hereto as **Exhibit H**, and is incorporated herein by reference as if fully set forth.

I have investigated the plaintiff's complaints in this lawsuit and have found them to be without basis.



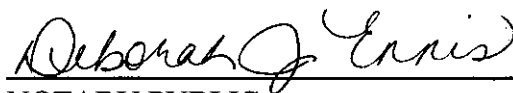
KRISTIN E. ROCCO

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **Kristin E. Rocco**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of her information, knowledge and belief.

Sworn to and subscribed before me on this the 12th day of December, 2006.



NOTARY PUBLIC
My Commission Expires: 12-9-08

HOUSTON COUNTY SHERIFF'S DEPARTMENT
JAIL DIVISION
LAMAR GLOVER, SHERIFF

INMATE RULES

Order is essential to the safe and secure operation of the jail. Inmate Rules describe the expected behavior of all inmates. Inmates found in violation of rules will be subject to disciplinary action or criminal action depending on the type of violation. Some rule violations will subject the inmate, if found guilty, to sanctions or restriction of privileges. All inmates found guilty of rule violations have a right to appeal. Appeals must be submitted within 24 hours after receiving the sanction or restriction.

RULES

1. Uniforms (jump suits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside, and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed.
2. No foreign objects will be placed in the jail doors to keep the door open or prevent locking. All inmates housed in a cell will be required to keep the cell clean and free of debris.
3. No paper products or any other type product will be placed over cell windows, vents, doors, cell lights or on walls.
4. No inmate will behave in any manner that is disrespectful to any Sheriff's Department personnel, visitors, or other inmates.
5. No inmate will initiate any physical contact, assault or attempt to assault, nor perform any act that will endanger any Sheriff's Department personnel, or any other officer, inmate or visitor.
6. No inmate will waste, abuse, damage, or steal county property or personal property belonging to another inmate.
7. No inmate will incite any action that will threaten the safety or order of the jail.
8. No inmate will commit any lewd or indecent sexual act or exhibitions.

9. No inmate will possess or attempt to possess contraband either on his/her person, cell, or under his/her control to include testing positive for drugs or alcohol.
10. Inmates must maintain their cells and common areas in a clean, sanitary, and orderly condition.
11. No inmate will interfere with Sheriff's Department personnel, nor disobey an order or instructions given by Sheriff's Department personnel.
12. No inmate will leave his/her authorized area. Inmates must roll-in to their cells when told to do so. Females must be seated on their bunk.
13. Inmates must roll-in at all roll-in times. Inmates assigned to day room access must be on their mattress at all roll-ins.
14. No inmate will be allowed to wear a cap, scarf, hat, headrag, etc., or anything covering their hair or head.
15. No inmate will touch or place any item on the sprinkler head in their cell.
16. Inmates will not press the call buttons except in case of emergency.
17. No inmate will pass any item from one pod to another.
18. Inmates must wear identification arm band at all times.

DAILY SCHEDULE

1. Roll In/Roll Out times will be posted in the pod.
2. Inmates will roll-in at shift change times for inmate count and any other time when called by the officers.
3. Showers will be taken during the following hours: 1:00 P.M. - 2:30 P.M. and 3:30 P.M. - 8:30 P.M.
4. Religious services will be held on nights scheduled by the Jail Commander.
5. Meals will be served beginning at approximately the following times:
Breakfast - 5:00 A.M.
Lunch - 11:00 A.M.
Supper - 5:00 P.M.

Each inmate is responsible for getting their own tray. Cups will be taken up after the supper meal and returned at the breakfast meal.

PERSONAL ITEMS ALLOWED

A. Items Issued

Uniforms	Blanket
Mattress	Toothbrush
Mattress Cover	Comb
Laundry Bag	Soap
Towel	Toilet Paper
Bath Cloth	Toothpaste

B. Clothing Allowed to be Brought Into the Facility

1. Undergarments, 6 pair, white only
2. Socks, white only, 6 pair
3. T-shirts, (6) white only (no tank-tops or pockets)
4. Sweatshirt, or thermal underwear, 1 each, elastic waistband, no pockets
5. Shower shoes, 1 pair
6. Tennis shoes, 1 pair, no shoestrings. No boots, clogs or sandals - must be new
7. Bras, 3, white, no underwire

C. Hygiene Products Allowed
(One Each)

1. Stick deodorant
2. Bar soap (no liquid soap)
3. Shampoo (clear plastic bottle)
4. Hair grease/gel

All hygiene products must be the original container, clear plastic and must have see-through contents and original seal. Never opened. (See Inmate Hygiene Policy page 10)

D. Other Items Allowed

1. Legal papers
2. Personal letters (Not to exceed 10 letters)
3. Soft-back Bible
4. 2 legal pads, letter size, no wire binding
5. 25 envelopes with stamps
6. 2 pencils, lead
7. 2 pens (non-retractable, non-metal point, see-through) (no crayons, colored pencils, highlighters or markers allowed)

E. Commissary Purchases

1. Weekend visitors whose name appears on an inmate's visitation list may deposit commissary money only into the inmate commissary fund of the inmate being visited.
2. Cash money and only correct amount will be accepted.

Coins will not be accepted.

3. Only certified checks or money orders will be accepted through the mail.
4. Inmate workers assigned to outside duties will only be allowed to contribute to inmate workers fund on Saturdays and Sundays. Each inmate is allowed \$25.00 per week or \$5.00 per day. (Inmates are not permitted to have money in the pods or on their person.)

F. Acceptance of Personal Items

The personal clothing worn by an inmate at booking, along with other personal items that are not considered contraband, will be stored in the property room and given back to the inmate at release. The inmate must sign a property return receipt at release or transfer time. If considered contraband, i.e., cigarettes, lighters, it will be destroyed after 3 days if not picked up by family members.

G. Television

The televisions are provided in the facility for the convenience and entertainment of the inmate. The floor officer may change channels when he/she deems necessary. The television may be turned off or removed for disciplinary reasons at the discretion of the floor officer.

H. Cell Assignments and Institutional Living

The inmate's cell assignment is the responsibility of the Records and Classification Division. Inmates must return to their assigned cells at all roll-in times.

When the inmate leaves his/her cell for the dayroom, the bed must be made up neatly.

Personal items must be stored in the drawer underneath the bunk. Items will not be stored underneath the mattress. Inmates must not alter or destroy any lights, walls, fixtures, or plumbing located in a cell. Inmates assigned to cells without a drawer may place their items neatly at the foot of the bunk.

J. Jail Library

Library books are available once a week at the discretion of the Sergeant assigned library duty. Inmates may check out a maximum of two books per week.

K. Inmate Workers (Trustees)

1. Requirements for inmate workers:

- a. Inmate must be convicted.
- b. Inmate must not have a record of violence or sexual crimes or be a high risk.
- c. All inmates must be medically approved.
- d. The Jail Commander must approve all inmate workers.
- e. Inmate must not be convicted of manufacturing or trafficking in drugs.

2. Rules of inmate workers:

- a. Inmate workers must perform work duties as assigned.
- b. Workers must remain in work areas assigned and may be searched at any time.
- c. Outside workers must inform control of their duties and location at all times.
- d. Inmate workers must not enter control room or jailer's booth unless escorted.

L. Recreational Activities

Basketball goals have been installed in the recreation areas, and their use is determined by the Sergeant on duty, weather permitting.

M. Telephone Calls

1. Inmates will not receive any telephone calls, nor will any messages be forwarded for calls.
2. Legitimate emergency messages will be handled by the supervisor on duty.
3. The jail personnel will only give out the charge, amount of bond, or sentence regarding an inmate.
4. Inmates may make collect calls using the inmate telephone system located in the dayroom. These calls may be monitored or recorded.
5. Upon written request by inmate, the receptionist may call and leave a message for an attorney.
6. Inmates are not allowed to use a phone in the docket area except at the time of booking.
7. Upon written request by an inmate, the docket officer will call a bonding company of the inmate's choice.

N. Visitor Information

1. The Houston County Jail is a non-contact visiting jail. Only attorneys meeting in private conference with

inmate clients are allowed contact visits.

2. Inmates must complete a visitor list to see visitors. Visitors will not be allowed a visit if their name is not on the visiting cards, including children. Visiting list is restricted to only 8 names.
3. After 7 days, including entry day, the visitation list will not be changed, added to, or deleted, for a period of 60 days.
4. Visitors 16 years and older must present a current photo ID or driver's license before entry. Visitors under 16 years must have a social security card or a birth certificate, or be admitted at the discretion of the supervisor.
5. Only two (2) people, including children, will be allowed to visit per inmate. Visitors must come and leave together. Split visitation is not allowed.
6. For cause, the supervision of the jail may refuse an inmate's visitation privileges.
7. Visitor cards will be held by the visitation officer in the lobby. Times will be noted on the card.
8. Weekday visitation may be approved if proper identification and proof of residency is presented. Weekday visits will only be approved if the visitor shows proof that their residence is a minimum of 100 miles from the Houston County Jail. Out of town visits are for visitors who can not visit on regular visiting days and proof of the fact is presented. A visitor may not visit on the weekend and during the week day.
9. Inmates are not allowed visitors while serving time on lockdown or lock up time.
10. Visitors will be arrested and prosecuted for bringing or attempting to bring contraband into the jail.
11. Visitors will not wear mini skirts, shorts above the knee, halter tops, tank tops, spaghetti straps, strapless/slit dresses. No see-through clothing or low cut necklines will be worn. No visitor will wear any clothing that exposes the body to bare skin from the shoulders to the knees. Arms are excluded.

VISITING SCHEDULE

SATURDAY: 8:00 AM to 10:30 AM
Pods M thru O, and female inmates,
trustees and weekend dorms

SATURDAY: 1:00 PM to 3:30 PM
Pods I, J, K, L, holding and Nursing

SUNDAY: 8:00 AM to 10:30 AM
Pods A thru D

SUNDAY: 1:00 PM to 3:30 PM
Pods E thru H

MAIL

1. Letters will be inspected for contraband to ensure facility safety.
2. No hand-delivered mail or packages will be accepted. Envelopes larger than 5X7 will not be accepted.
3. Inmates may receive money orders through regular mail. The money order must be made payable to: Inmate Drawing Account, and must include the inmate's name and inmate number.
4. Mail received by the inmates will be documented, opened, and inspected before delivery to the inmate. Legal mail received by the inmate will be opened by the officer in the presence of the inmate but not read.
5. Outgoing mail will be taken up each morning by the corrections officer. Incoming mail will be delivered to the inmate daily.
6. All incoming and outgoing mail must have the sender's first and last name. No nicknames will be accepted. The envelope must bear the sender's complete address.

EXAMPLE: John Doe Pod A, B, C, D
901 East Main Street
Dothan, Alabama 36301

Jane Doe Pod Location
901 East Main Street
Dothan, Alabama 36301

LAW LIBRARY

The facility has a constitutionally accepted law library for inmate use. The inmate must submit a request to the sergeant on duty to visit the library. The sergeant will arrange for use of the library by pod designation. Inmates cannot remove any book from the library. The facility does not provide a librarian.

LIVING AREA REQUIREMENTS

- A. Inmate towel and bath cloth must be hung on the foot of the bed and be centered. The towel will be hung first and the bath cloth hung neatly on the top of the towel.
- B. Shoes will be placed underneath the right side of the bunk at the foot of the bunk with toes turned out.
- C. The bunk will be neatly made.
- D. Bunks will be in compliance from 8:00 AM to 9:00 PM Monday through Friday.
- E. On Saturday and Sunday, bunks will be in compliance from 10:00 AM to 9:00 PM.
- F. No items will be stored underneath the bunk except shoes. The inmate must keep his area clean and clear of litter.
- G. No items of any kind will be placed or stored on the window sill of the cell.

MEDICAL CARE

- A. Inmates are charged a co-pay for medical care at the jail. Inmate medical care is not free. Alabama law dictates that inmate medical service is free when the inmates "are unable to provide for themselves," (Code of Alabama 14-6-19).
- B. Inmate medical co-pay is taken from the inmate's commissary funds.
- C. The inmate will be charged a co-pay for each medical visit and each medical service based on the following fees:

Hospital Visit	\$20.00
Doctor Visit	\$20.00
Practioner Visit	\$20.00
LPN Visit	\$ 5.00
EMT Visit	\$ 2.00
Lab/X-Ray	\$20.00
Prescription (each)	\$10.00
Non-Prescription (each)	\$.50
Dental visit	\$20.00

- D. Inmates who request medical clearance to perform trustee duties and then refuse to work will be charged \$98.00, or actual cost, for their lab work.
- E. Inmates are not allowed to ask questions during medication pass.
- F. Med call is announced prior to the nurse arriving

in each area. Any inmate not standing in line by the door will forfeit their medication and be noted as being absent.

CHAPLAIN SERVICES

- A. The jail has a staff chaplain on part-time duty. However, a 24-hour call is maintained for inmates who request emergency service.
- B. Inmates must request chaplain service. Inmate request forms may be obtained from the corrections officer on duty.
- C. Inmates who are members of an established religious body may be visited by the clergy of the religious body at times listed, Monday thru Friday, during the hours:
9:00 A.M. - 11:00 A.M.
1:00 P.M. - 2:30 P.M.
3:30 P.M. - 4:30 P.M.
except during lock-up times or when the inmate is on disciplinary lockdown. At the discretion of the supervisor on duty, inmates on disciplinary lockdown may be visited by clergy.
- D. Clergy must show proof that they are ministers of an established religious body of which the inmate desiring a visit is a declared member and complete a visitation form provided by the jail facility before they are allowed visitation. Ministers are required to complete the visitation form only once.
- E. Pastoral visits are discouraged on Saturdays and Sundays due to weekend visitation except during emergency situations.
- F. Non-denominational services are held during the evenings on Monday, Tuesday, and Thursday, of each week. Other services and classes are held at the discretion of the chaplain.
- G. Attendance at religious services is not mandatory for the inmate. The privilege to attend religious services may be revoked by the supervisor on duty for misbehavior during the service or any violation of the inmate rules.
- H. Clergy who have family members that are incarcerated and a member of the clergy's religious body may visit the inmate once as clergy. The remaining visits will be on regular visiting time assigned to the inmate. Clergy will be any minister employed by the established religious organization.

HOUSTON COUNTY JAIL
POLICY AND PROCEDURE DIRECTIVE

INMATE HYGIENE

Date Issued: April 14, 2005
Date Effective: April 24, 2005
Revision Date: April 25, 2005

Policy Number: E-303

POLICY:

In order to promote the institutional goals of health, cleanliness, safety and security in the Houston County Jail, it is the policy of the Houston County Jail that except as may otherwise be specifically provided for herein, all inmates, male and female, shall adhere to this policy. Male inmates shall have hair no longer than one inch from their scalp. Additionally, female inmates shall have hair no longer than collar length. There will be no special hairstyles permitted. Furthermore, there shall be no facial hair greater than one-quarter inch (1/4") in length and fingernails shall be clipped to the tip of the finger. Each inmate shall shower daily; this includes shampooing the hair and a change in clothes. Inmates in food service shall wear a clean set of whites daily.

PROCEDURE:

During the initial booking process, inmates with a set bond, but who are otherwise incarcerated over night, are not subject to the haircut requirement, but they shall not refuse a bath using a delousing soap and shampoo if required by the jail staff. Any inmate booked into the jail without a set bond shall have to comply with all requirements of this policy during the initial booking phase.

A schedule for compliance with this policy shall be set from time to time by the Jail Commander or Jail Administrator.

In the event an inmate wishes to have their haircut shorter, they must fill out an inmate request form and return it to the appropriate staff.

In an additional effort to prevent the spread of infection to other inmates and employees, every cell and holding area, including dayrooms, must be decontaminated using germicidal agents and steam cleaning the showers, floors and walls. This procedure must be done a minimum of once a week for every space in the secure areas of the jail occupied by an inmate, including the docket. The mats used for sleeping must be sprayed with germicide **weekly**.

To ensure this policy is being followed, the ranking Sergeant will perform inspections as may be necessary. Any inmate in non-compliance with this policy is to be reported to the Jail Commander or Jail Administrator and shall be subject to appropriate disciplinary action.

GRIEVANCE PROCEDURE

01. In the event that an inmate has a grievance, this inmate will send a grievance form to the Senior Corrections Officer, who will investigate and answer the grievance, and will settle this issue. If this is not possible, the Jail Commander may hold a formal hearing.
02. The Senior Corrections Officer will hear all sides of the situation with a written statement or witnesses, as appropriate and render a decision. This inmate will be informed of the decision in writing. Actions taken will be documented.

INMATE RULES AND REGULATIONS

Date Issued: May 1, 1999

Policy Number: E-301

POLICY:

It is the policy of the Houston County Jail to advise inmates, in writing, of inmate rules and regulations.

PROCEDURE:

The jail will provide each inmate admitted to general population a copy of the inmate rules and regulations.

The inmate rules and regulations handout will be reviewed by the Jail Administrator and updated as necessary.

ACJS 13-001

Policy and Procedure Directive

RECEIPT OF INMATE RULES AND REGULATIONS

Date Issued: May 1, 1999

Policy Number: E-302

POLICY:

It is the policy of the Houston County Jail to inform all new inmates of the inmate rules and regulations.

PROCEDURE:

Prior to any inmate being placed in a regular housing unit of the jail, the jail will provide the inmate with a copy of the inmate rules and regulations.

If the inmate is unable to read the inmate rules and regulations, a jail officer will read them to him/her and document the event. In reading the rules and regulations, the staff member will explain each rule and regulation and answer any questions the inmate may have about the rules and regulations.

The jail officer will complete the Rules and Regulations Receipt form advising the inmate that he/she will be required to abide by those rules and regulations while an inmate in the Houston County Jail.

The inmate will then be required to sign the receipt form. If inmate refuses, the process will be documented and procedure continued.

The receipt form will be placed in the inmate's file.

HOUSTON COUNTY JAIL
JAIL DOCKET CARD7-6-5
1655

INMATE #		LAST NAME		FIRST		MIDDLE		MAIDEN		ALIAS		VICTIM NOTIFICATION	
51598		Smith		Jimmie		Lee							
ARRESTING AGENCY		DATE RECEIVED		TEMP. RELEASE DATE		RETURN DATE		RELEASE DATE		HOW RELEASED			
OPD		7-6-05											
RISK		STATUS		FLOOR		CEM		DOCKET OFFICER		ARRESTING OFFICER			
				4		Harris		C. L. Harris		Williams			
AGE		DOB		SSN		ENTRANCE HOUSTON/BY		HEIGHT		WEIGHT		HAIR	
22		1-29-83		591-18-0251		M		5'8"		130		BRN	
ENTRANCE NCIC/BY		EXIT NCIC/BY		ENTRANCE HOUSTON/BY		EXIT HOUSTON/BY		ENTRANCE DPD/BY		EXIT DPD/BY		FELONY CRIMINAL HISTORY/BY	
Neg 03				Neg J25				Neg		Sandoz		Houstan	
HOLD 1		DATE/BY		HOLD RELEASE DATE/BY		HOLD 2		DATE/BY		HOLD RELEASE DATE/BY			
Houder 0		11-22-05											
HOLD 3		DATE/BY		HOLD RELEASE DATE/BY		HOLD 4		DATE/BY		HOLD RELEASE DATE/BY			
ADDRESS		CITY		STATE		PROBATION/PAROLE OFFICER							
9380 103rd St. Lot 17		Jacksonville		FL									
NEXT OF KIN		ADDRESS		CITY/STATE		PHONE		RELATION					
Patricia Smith		9380 103rd St. Lot 17		Jacksonville FL		904-603-3174		Mother					

REMARKS:

11-22-05 Copy of warrant from Louwre County attached.

DID INMATE RECEIVE PHONE CALL? YES { } N		DID INMATE RECEIVE JAIL RULES? YES { } N	
INMATE SIGNATURE X Jimmie Smith		INMATE SIGNATURE X Jimmie Smith	

EXHIBIT A

DATE: _____

INSTITUTION: _____

NAME: _____

INMATE NUMBER: _____

NATURE OF GRIEVANCE OR INFORMATION: _____

_____WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? _____

DATE HEARING: _____

COMMITTEE FINDING OR RESPONSE: _____

REFERRED TO: _____

POSITION: _____

CHAIRMAN: _____

MEMBER: _____

MEMBER: _____

WARDEN: _____

AGREE _____ DISAGREE: _____

(WITH COMMITTEE FINDINGS)

CHIEF WARDEN RESPONSE: _____

DATE GRIEVANCE FILED: _____

TIME FILED: _____

SHIFT COMMANDER: _____



Houston County Jail
Policy and Procedure Directive

INMATE GRIEVANCES

Date Issued: May 1, 1999

Policy Number: E-401

POLICY:

It is the policy of the Houston County Jail that inmates are permitted to submit grievances to the jail administration and that each grievance will receive a response.

PROCEDURE:

The Jail Administrator will devise a grievance form to be made available to all inmates on request. Grievance forms will be limited to one (1) per day per inmate.

Completed grievance forms will be delivered to the Jail Administrator through an appointed grievance officer, who will respond to the grievance.

The grievance response to the inmate will be in writing.

The decision of the Jail Administrator may be appealed to the Sheriff or designee, within seventy-two (72) hours of the receipt of the grievance decision.

HOUSTON COUNTY JAIL INCIDENT/OFFENSE REPORT

Investigating Officer: <u>Yo Richardson</u>	Report No.
Offense/Incident: <u>Non-compliant inmate</u>	Page No. <u>1 of 2</u>
Place of Occurrence: <u>HCT- Supply Room</u>	Date/Time of Occurrence: <u>10 / 18 / 06 at 2251 hours</u>
<u>Involved Inmates:</u>	

Offender 1: <u>Smith, Jimmie Lee</u>	Inmate # / Cell Assignment: <u>51598 M1</u>
Offender 2:	Inmate # / Cell Assignment:
Offender 3:	Inmate # / Cell Assignment:
Victim 1:	Inmate # / Cell Assignment:
Victim 2:	Inmate # / Cell Assignment:
<u>Involved Officers:</u> <u>Yo P. Richardson</u>	Rank / Assignment: <u>C/O M-N-O</u>
<u>S. Moon</u>	Rank / Assignment: <u>C/O ROVER</u>
<u>K. FITZGERALD</u>	Rank / Assignment: <u>C/O DOCKET</u>
<u>Witnesses:</u>	Inmate # / Cell Assignment:
	Inmate # / Cell Assignment:
<u>Evidence:</u> Marked, Tagged, Sealed <u>YES</u> <u>NO</u>	
Nature of Evidence: <u>USED TASER CARTRIDGE</u> Turned Over to: <u>Sgt. BONIN</u>	
Disposition: <u> </u> Evidence: <u> </u> Destroyed: <u> </u> Turned In To S.O.	
<u>Yo P. Richardson</u>	
Inv. Officer's Signature:	Approved By: <u> </u> Disposition: <u> </u>

EXHIBIT

9

NARRATIVE:

At approx. 2248 hr. I/M Smith & I/M Brown from laundry duties, were told to go to the supply room to be searched. I/M Smith refused to go, I/M was told more than 3 times to go to the supply room, at that time Co Moon arrived at the door entering M-M-O. I/M Smith then walked out of the door, when we arrived at the supply room I/M Smith was told to go into the room, but he insisted that he talk with the Sgt. because he is a trustee. I/M was ordered twice more to enter the room. Once inside the room I ordered I/M Smith to remove his clothing for a strip search, I/M refused to comply. I/M was told 2 more times by myself & once by Co Moon. After the third order was given, I drew my TASER AND DISCHARGED. The tazer probes made contact in the I/M's left HAND-MIDDLE FINGER & the second was located in the left upper hip. The second probe did not make contact in the I/M. I/M was ordered to the floor and which time Co Fitzgerald entered the room, I/M complied. Co Fitzgerald removed probes & I/M was taken to the clinic where pictures were taken & AREA of probe contact was cleaned and bandaid applied. I/M was then searched and I/M was escorted back to his pod.

OFFICER SIGNATURE:

J. Richards

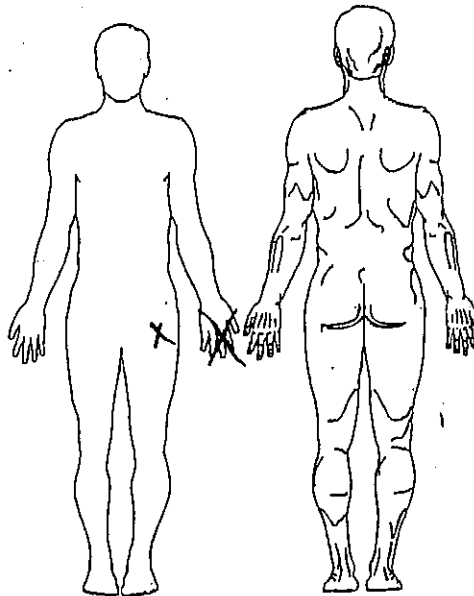
PAGE 2 OF 2

SUPERVISORY TASER USE REPORT

Date/Time: 10/18/06-2300 TASER Officer's Name: COT. RICHARDSON
 E-Mail: _____ Department: HOUSTON COUNTY JAIL
 Dept. Address: 901 EAST MAIN STREET Phone: (334) 712-0762
 On Scene Supervisor: Sgt. KIRKSEY Officer(s) Involved: RICHARDSON, S. MOON
 TASER Model (check one): TASER X26 ADVANCED TASER M26
 If an ADVANCED TASER M26 Was Used, What Battery Type: Alkaline NiMH
 Air Cartridge Type(s): 21-ft Standard 21-ft XP 15-ft
 TASER Serial #: X00-174226 Medical Facility: _____ Doctor: _____
 Nature of the Call or Incident: Non-compliant Inmate Charges: _____ Booked Y / N
 Type of Subject: Human Animal
 Location of Incident: () Indoor () Outdoor (X) Jail () Hospital
 Type of Force Used (Check all that apply): () Physical () Baton (X) Impact Munition () Chemical () Firearm
 Nature of the injuries and Medical Treatment Required: NO VISIBLE INJURIES
 Admitted to hospital for Injuries Y (N) Admitted to Hospital for Psychiatric Y (N)
 Medical Exam: Y (N) Suspect Under the Influence: Alcohol / Drugs (specify): NO
 Was an Officer/Law Enforcement employee injured other than by TASER? Y (N)
 Incident Type (circle appropriate response(s) below):
 Civil Disturbance Suicidal Suicide by Cop Violent Suspect Barricaded Warrant (Other)
 Age: 23 Sex: M Height: 5'08" Race: B Weight: 130
 TASER use: (circle one) Success (Failure) Suspect wearing heavy or loose clothes: Y (N)
 Number of Air Cartridges Fired: 1 Number of cycles applied: 1
 Usage (check one): () Arc Display Only () Laser Display Only (X) TASER Application
 TASER: Is this a dart probe contact (Y) (N) Is this a drive stun contact? Y (N)
 Approximate target distance at the time of the dart launch: 8 feet
 Distance between the two probes: 16 inches Need for additional shot? Y (N)
 Did dart contacts penetrate the subject's skin? (Y) (N) Probes removed on scene (Y) (N)
 Did TASER application cause injury: Y (N) If yes, was the subject treated for the injury: Y / N

DESCRIPTION OF INJURY:

APPLICATION AREAS
(Place "X's" where probes hit suspect AND "O's" where stunned)



SYNOPSIS:

1 probe made contact with the inmate left hand-
middle finger, the other made contact in the left
hip but did not penetrate. Probe was removed, cleaned
area of contact & bandage applied.

Need for additional applications? Y ☒ N

Did the device respond satisfactory? Y ☒ N

If the TASER deployment was unsuccessful was a DRIVE STUN follow up used? Y ☒ N

Describe the subject's demeanor after the device was used or displayed?

visibly upset but was compliant

Chemical Spray: Y ☒ N

Baton or Blunt Instrument: Y ☒ N

Authorized control holds: Y ☒ N If yes, what types: _____

Describe the other means attempted to control the subject: _____

Photographs taken ☒ Y ☐ N

Report Completed by: C. P. Richards

ADDITIONAL INFORMATION

1. Save this file on your hard drive and for your department archives.
2. Submit this report to the national TASER technology incident database.
3. This information will be submitted to the LACP and NTOA to track use of force. Results of uses are reviewed by TASER Int'l to adjust training issues and concerns as well.
4. If you cannot email, please fax a copy of this report to: (480) 991-0791 Attn: Shawn Spencer (Ph: 800-978-2737 ext. 2077).

HOUSTON COUNTY JAIL ASSAILANT CONTROL REPORT

Incident Report #		Page 1 of 2	
Location: Supply Room			
Type Offense: NON-Compliant inmate			
Assailant(s) Name	Race	Sex	DOB
Smith, JIMMIE LEE	B	M	1/29/83
Corrections Officer(s) Name:			Shift
P. RICHARDSON			2ND
S. MOON			2ND
K. FITZGERALD			2ND
Assailant Level Of Resistance (check all that apply)		Level of Control Compliance (Mechanical Compliance)	
<input checked="" type="checkbox"/> Not Armed		<input checked="" type="checkbox"/> Assailant taken to ground	
<input type="checkbox"/> Armed with:		<input type="checkbox"/> Assailant hobbled	
<input type="checkbox"/> Other:		<input type="checkbox"/> Restraints used:	
<input type="checkbox"/> Hands	<input type="checkbox"/> Legs	<input type="checkbox"/> Other: TASER Application	
Grabbed C/O's Equipment		Assailant Struck C/O	
Y <input checked="" type="checkbox"/> N		Y <input checked="" type="checkbox"/> N	
		Head ___ Face ___ Chest ___ Legs ___	
		Back ___ Arms ___	
Injuries (check all that apply)		Mechanical Control Countermeasures	
C/O	Assailant	Chemical Agent	
<input checked="" type="checkbox"/> No visible injuries	<input checked="" type="checkbox"/>	<input type="checkbox"/> Baton	
<input type="checkbox"/> Minor scrapes/bruises	<input type="checkbox"/>	<input checked="" type="checkbox"/> Taser	
<input type="checkbox"/> Hospitalized	<input type="checkbox"/>	<input type="checkbox"/> Other	
Medical Comments:			
Additional Comments:			
Photographs (check all that apply)		C/O	Assailant
Corrections Officer: P. Richardson		Date: 10/18/06	Shift: 2ND

OVER

Date: 10-19-06	Page 2 of 2	Incident Report #
Details of Supervisory Investigation: After further review of this incident Jim Smith had 4 chances to comply with C/O Richardson Order and he refused to do. The officer did what he was trained to do. I fully stand behind my B/D decision. Jim left him with no other opinion.		

E-O-S

Supervisor:

Lt./Jail Commander:

HOUSTON COUNTY JAIL STATEMENT FORM

TIME: 2250-2255 DATE: 10-18-06 PLACE: Houston Co. Jail

I, % S. Moon, make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on October 18 /2006.

At approximately 2250 hrs, as I was entering
Docket, I heard loud voices coming from the direction
of M-N-O. I started to walk in that direction, and
as I did, I heard % Richardson say, "Come out
of there. You are going to be searched." I heard
this order repeated three (3) more times before
I arrived at M-N-O.

I stepped into 1211 and observed % Richardson
and % Smith, Jimmie in the hallway. % Smith
was refusing to submit to a search before rolling
in for the night. As he stepped out of 1211, %
Smith stated that he wanted to see the Seargent.
I told % Smith that I was not going to call the
Seargent. I also told % Smith that he was no
different from any of the other inmates and that he
was going to be searched. % Smith stated, "I
don't have to do it. I want to see the Seargent."
He was again ordered to the Supply room across
from the laundry room. Cont'd -> pg 1

% S. Moon
SIGNATURE

October 18, 2006
DATE

HOUSTON COUNTY JAIL
STATEMENT FORMTIME: 2250-2255 DATE: 10-18-06 PLACE: Houston Co. JailI, % S. Moon, make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on October 18 /2005.

After this I/m Smith went into the Supply room as he had been ordered. In the Supply room, % Richardson per Search procedures, ordered I/m Smith to begin removing his clothing. I/m Smith stated that he wasn't doing it. % Richardson ordered I/m Smith a second time. I/m Smith stood there and remained non-compliant. At this time % Richardson and I drew our tasers.

I also called % Fitzgerald on the radio, and asked him to report to our location and that we had a non-compliant inmate. As % Fitzgerald arrived, I gave I/m Smith a third order to comply adding, "you will not be told again. This is your final compliance order." Again, I/m Smith remained non-compliant.

At this time % Richardson and myself activated our tasers and % Richardson deployed his.

Cont'd. p22.S. Moon
SIGNATUREOctober 18, 2006
DATE

HOUSTON COUNTY JAIL STATEMENT FORM

TIME: 2250-2255 DATE: 10-18-06 PLACE: Houston Co. Jail

I, Yo S. Moon, make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on October 18 /2005.

1 taser prong hit I/m Smith in his Right middle finger. The other prong hit I/m Smith in the left hip. We all ordered him to get down on the floor. I/m Smith complied and layed down on the floor. I/m Smith suffered no injuries as a result of the tasing.

Yo Fitzgerald removed the prongs and I/m Smith was taken to the clinic. There Yo Fitzgerald took digital photos of the hit sights and I/m Smith was finally searched.

S. O. S.

pg 3

Yo Moon
SIGNATURE

October 18, 2006
DATE



EXHIBIT H

57398 B/m
Smith, Jimmie Lee

HOUSTON COUNTY JAIL
JAIL DOCKET CARD7-6.5
1.655

INMATE #		LAST NAME		FIRST	MIDDLE	MAIDEN	ALIAS	VICTIM NOTIFICATION
57598		Smith		Timme	Lee			
ARRESTING AGENCY		DATE RECEIVED		TEMP. RELEASE DATE		RETURN DATE		RELEASE DATE
ORC		7-6-05						
RISK		STATUS		FLOOR		CEM	DOCKET OFFICER	ARRESTING OFFICER
				4		Flow	Col. Russ/Smith	Col. L. Hines/Will Hines
AGE	DOB	SSN	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES
22	1-29-83	591-18-0251	B	M	5'8	130	B/K	Bro Houston
ENTRANCE NCIC/BY		ENTRANCE HOUSTON/BY		ENTRANCE DPD/BX		FELONY CRIMINAL HISTORY/BY		
Neg CB		Neg J25		Neg 3rd grade				
EXIT NCIC/BY		EXIT HOUSTON/BY		EXIT DPD/BY		ATTORNEY		
						Will hire.		
HOLD 1	DATE/BY	HOLD RELEASE DATE/BY		HOLD 2	DATE/BY	HOLD RELEASE DATE/BY		
hundreds 6	11/22/05							
HOLD 3	DATE/BY	HOLD RELEASE DATE/BY		HOLD 4	DATE/BY	HOLD RELEASE DATE/BY		
ADDRESS		CITY		STATE	PROBATION/PAROLE OFFICER			
9380 103rd St, Lot 17		Jacksonville		FL				
NEXT OF KIN		ADDRESS		CITY/STATE	PHONE	RELATION		
Patricia Smith		9380 103rd St, Lot 17		Jacksonville FL	904-603-3174	Mother		

REMARKS:

11-22-05 Copy of warrant from hundreds County attached.

DID INMATE RECEIVE PHONE CALL?	YES	{ } N	DID INMATE RECEIVE JAIL RULES?	YES	NO
INMATE SIGNATURE	X Timme Lee		INMATE SIGNATURE	X Timme Lee	

INMATE #		NAME					
CHARGE	4 PFI 2nd	WARRANT #	DC#	INDICTMENT #	CC/CS/DR	CONVICTION	
BOND	10,000	05-14340	05-2564	31			
		7-27-05 08:30 A.M.		ind +			
				10/2 Hrs			
		probation denied to serve thru CO.					
CHARGE	PFI 2nd	WARRANT #	DC#	INDICTMENT #	CC/CS/DR	CONVICTION	
BOND	10,000	05-14339	05-2563	32			
CHARGE	PFI 2nd	WARRANT #	DC#	INDICTMENT #	CC/CS/DR	CONVICTION	
BOND	10,000	05-14338	05-2562	33			
CHARGE	PFI 2nd	WARRANT #	DC#	INDICTMENT #	CC/CS/DR	CONVICTION	
BOND	10,000	05-14337	05-2561	34			
CHARGE	P.F.I. 2nd	WARRANT #	DC#	INDICTMENT #	CC/CS/DR	CONVICTION	
BOND	10,000	05-14336	05-2560	35			

HOUSTON COUNTY SHERIFF'S DEPARTMENT PROPERTY HOLD

I/M NUMBER LAST NAME FIRST NAME M.I.
57598 1 Smith 1 Jimmie 1 L

CASH HOLD 1 HOLD 2
1 1

OTHER ITEMS:

(1) black head rag, ring, necklace with charm, 2 tickets, paper, money

I DO/DO NOT GIVE MY PERMISSION FOR ALL MY INCOMING MAIL TO BE INSPECTED. I UNDERSTAND THAT IF I DO NOT GIVE MY PERMISSION FOR MY MAIL TO BE INSPECTED, IT WILL BE RETURNED TO SENDER.

X _____ DATE _____

I, _____, MADE APPLICATION TO THE BONDING COMPANY OF MY CHOICE.

X _____ DATE _____

I, _____, RECEIVED FROM THE HOUSTON COUNTY SHERIFF DEPARTMENT ALL MY PROPERTY, AND MONEY UPON RELEASE.

X _____ DATE _____

I WAS ALLOWED TO MAKE A PHONE CALL.

X Jimmie Smith DATE 7-6-05

I RECEIVED A COPY OF THE JAIL RULES AND REGULATIONS.

X Jimmie Smith DATE 7-6-05

WITNESS C/O Russ DATE 7-6-05

200502445

BENCH WARRANT

LOWNDES SUPERIOR COURT

SEPTEMBER, 2005 - TERM

092-28

2005CR 1134

STATE OF GEORGIA

VS.

Jimmie Lee Smith

RACE/SEX

Blm

DOB:

1/29/1983

SSN:

591.18.0251

ADDRESS:

9380 103rd St. Lot 17

Jacksonville, FL 32210-0865

Forgery in the Second
Degree (16.9.2)

Executed the foregoing

warrant by arresting the

defendant, this _____ day

of _____, 2005.

COPY

I DO HEREBY CERTIFY THIS IS A TRUE
AND CORRECT COPY FOUND ON FILE
WITH THE LOWNDES COUNTY SHERIFF'S OFFICE.
Theresa Ricciotti
LOWNDES COUNTY, GEORGIA

COPY

I DO HEREBY CERTIFY THIS IS A TRUE
AND CORRECT COPY FOUND ON FILE
WITH THE LOWNDES COUNTY SHERIFF'S OFFICE.
Theresa Ricciotti
LOWNDES COUNTY, GEORGIA

BENCH WARRANT

STATE OF GEORGIA
COUNTY OF LOWNDES

TO: ALL AND SINGULAR THE SHERIFFS, DEPUTY SHERIFFS, CONSTABLES AND
CORONERS OF SAID STATE.

GREETINGS:

WHEREAS, at the September, 2005 Term of the Superior Court of
said County, the Grand Jurors found a True Bill against

Jimmie Lee Smith for the offense(s) of
Forgery in the Second Degree (16.9.2)

_____ and
_____ WHEREAS, at the call of said case on the 18th day of
November, 2005, said defendant did not appear in the Superior Court
of the aforesaid County as required by law and by the terms of his
bond.

NOW THEREFORE, you and each of you are therefore commanded, in
the name of the State, to arrest the said defendant and bring him
before me to be dealt with as the law directs. Bond is hereby set
in the amount of \$ NONE.

HEREIN FAIL NOT.

Given under my hand and official signature the 18th day of
November, 2005.

[Signature]
Assistant District Attorney
Southern Judicial Circuit

[Signature]
Roy M. Lilly
Senior Judge, Superior Courts
Southern Judicial Circuit

LOWNDES COUNTY SHERIFF'S OFFICE
ADMINISTRATION DIVISION
WARRANTS OFFICE
PO BOX 667 • VALDOSTA, GA 31603-0667
(229)333-5156 • FAX (229)333-5141
ORI GA0920004



FAX

TO: Houston County Jail Dothan, AL

FROM: Theresa Picciotti

ATTN: Inmate Records/Sgt Davis

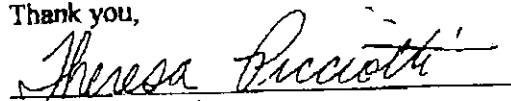
PAGES: 3

DATE: November 22, 2005

RE: Name: Jimmie Lee Smith
Race and Sex: B/M
DOB: 01-29-1983
SS#: 591-18-0251

Comments: Please place a hold/detainer on this subject for our agency. We will pickup/extradite. Please notify our department when subject has signed a Waiver of Extradition and is ready for pickup.

Thank you,


Theresa Picciotti
Lowndes County Warrants Division

FAX #: 334-671-9479

HOUSTON COUNTY JAIL
RECEIPT OF ARMBAND

I, Jimmie Smith have received an armband from Houston County Jail. I must wear this armband at all times while incarcerated in the Houston County Jail. I understand that I must have the armband on to receive medication, commissary, mail or any other items from the jail staff. If I am caught with out my armband I will receive a sanction. I must turn in this armband upon release from the jail. I can not give this armband to any other inmate.

X Jimmie Smith
Inmate Signature

7-7-05
Date

Walker
C/O Signature

7-7-05
Date

N

HOUSTON COUNTY SHERIFFS OFFICE
INMATE INFORMATION SHEET

Page 1

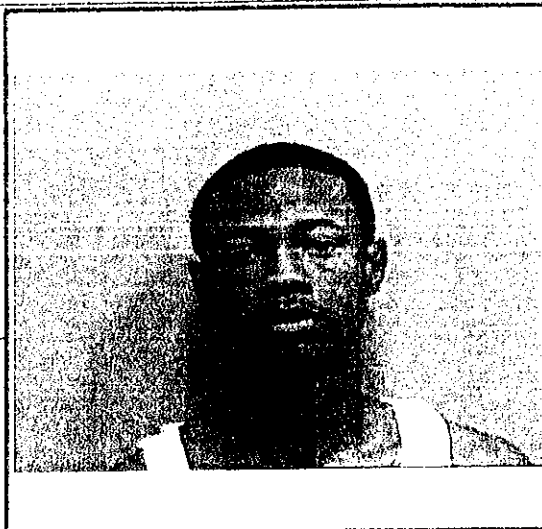
BOOKING NO: 050002633

LOCAL ID: 57598

Name : SMITH JIMMIE LEE

Address: 9380 103RD ST. LOT 17

City : JACKSONVILLE State: FL Zip:

Physical Description

Race : BLACK

Hair : BLACK

Gender: MALE

Eyes: BROWN

Height: 5 ' 08 "

Complexion: UNKNOWN

Weight: 130

DOB: 01/29/1983

Age: 22

Scars/Tattoos:

Personal Information

DL State :

Home Phone: 904 803 3174

DL Number:

Work Phone:

SSN: 591 18 0251

SID:

Booking Information

Arrest Date: 07/06/2005

Booking Officer: RUSS

Arrest Dept: DPD

Booking Date: 07/06/2005

Arrest Offer: CPL L. NELMS/WILLIA

Booking Time: 16:55

Search Offer:

Facility: 01

Meal Code: 01

Cell Assignment:

Charge Information

Offense

Fine

Bond

Disposition

PFI 2ND X4

\$00.00

10,000X4

PENDING

**HOUSTON COUNTY JAIL
BOOKING CHECK OFF LIST**

DATE: 7-6-05 TIME: 1655

SENIOR CORRECTIONS OFFICER(S) DUTY Sgt. Marsh, Sgt. Bichmann

Inmate Name: Smith Jimmie Lee Inmate Number: 57598

**BOOKING OFFICER MUST INITIAL AFTER COMPLETING
EACH ITEM AND SIGN IN THE PROPER SPACE.**

- ☐ 1. All personal property secured
- ☐ 2. Check in-house warrants
- ☐ 3. Check for last incarceration
- ☐ 4. Arrest report completed by arresting officer
- ☐ 5. All charges listed on arrest report and bonds listed for each charge
- ☐ 6. **Bond amount noted on warrant**
- ☐ 7. All inmate property tagged/placed in envelope
- ☐ 8. Property envelope completely filled out/signed by inmate
- ☐ 9. All money counted/logged in money book
- ☐ 10. Money envelope completed/supervisor counts
- ☐ 11. SCO calls control and logs money in SCO money book
- ☐ 12. SCO seals money/places in box
- ☒ 13. **Check for outstanding warrants** ☒ NCIC ☒ Dothan
- ☐ 14. Inmate numbers properly assigned
- ☐ 15. Inmate recorded in black book
- ☐ 16. Inmate recorded on white pages
- ☐ 17. **Docket I.D., floor card completed, and bond amount verified on docket card**
- ☐ 18. Fingerprint card completed
- ☐ 19. Medical screen completed
- ☐ 20. Affidavit of hardship completed
- ☐ 21. Green disposition form completed (FBI)
- ☐ 22. Property hold form (telephone call, bond applied)
- ☐ 23. Fingerprinted/photographed/entered in computer
- ☐ 24. Property card completed
- ☐ 25. Visitor/Telephone list completed
- ☐ 26. Inmate handbook received
- ☐ 27. **Bond completed/amount checked against warrant**
- ☐ 28. **Correct court date noted on bond**
- ☐ 29. **Inmate and surety signature on bond**
- ☐ 30. **All pass on information documented in pass book**

C/O Russ

Signature of Booking Officer(s)

Southeastern Printers of Dothan, 334-792-2928

Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jimmie Date: 10/18/2006 Inmate Number: 57598
 Pod Location: M-7 Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:

Date to Begin / Date to End

2 Wks ☒ Suspension of Commissary Privileges 10-30-06 / 11-10-06
2 Wks ☒ Loss of Visitation Privileges 10-28-29-06 / 10-04-05-06
 _____ Days ☐ Segregation to Cell _____
☐ Minimum 72 Hours Cell Restriction _____
☐ OTHER Next Sanction I/m will go OA L/D

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction. Appeal form must be sent back to Disciplinary Sgt within 24 hour. If appeal form is not received within the 24 hour period it will be thrown out.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

Richardson
At approx 2248 hr in M-N-O Hallway, I/m Smith was told to return to the supply room to be searched prior to go into his pod. I/m Smith refused to go, he became verbally aggressive stating "you ain't searching me I'm a trustee, I wanna talk to the Sgt." I/m had to be ordered several times before he complied. Once at the supply room I/m Smith refused to comply with orders given to him to be searched after more than 3 orders were given inmate was tased. This is in violation of rules #7 & #11 which state #7 "No inmate will incite any action that will threaten the safety or order of the jail" #11 "No inmate will interfere with Sheriff's Department personnel, nor disobey an order or instructions given by Sheriff's Department personnel"
S.O.S.

Signature of Sgt. /ASCO

Sgt. [Signature]

Revised 08/2006
 W.B. McCarty
 Jail Commander
 Lt. K. Rocco
 Jail Administrator

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>Smith, Jimmie</u>	DATE: <u>6-19-06</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>G-5</u>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION

DATES START/END

- ☐ WKS ☐ SUSPENSION OF TELEPHONE PRIVILEGES _____
1 WKS ☒ SUSPENSION OF COMMISSARY PRIVILEGES 06-26-06 / 06-30-06
2 WKS ☒ LOSS OF VISITATION PRIVILEGES 06-24-25-06 07-01-02-06
☐ MINIMUM 72 HOURS CELL RESTRICTION _____
☐ OTHER _____

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES _____ NO _____

OFFICER REQUESTING SANCTION/RESTRICTION <u>Richardson</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>SGT [Signature] 06-19-06</u>
--	---

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 6-19-06 at approx 1900hr. I/M Smith was walking around G-Pop Dayroom without his jumpsuit on. Inmate is in violation of inmate rule #1 which states, #1 "Uniforms (jumpsuits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside, and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed.

S.O.S.

[Signature]
SIGNATURE OF SGT. OR ASC/O

REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <i>Smith, Jimmie</i>	DATE: <i>2/20/06</i>	JAIL NUMBER: <i>57598</i>
CURRENT CELL: <i>A-101 Cell 2</i>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION

DATES START/END

WKS

☐ SUSPENSION OF TELEPHONE PRIVILEGES*2* WKS☒ SUSPENSION OF COMMISSARY PRIVILEGES*2* WKS☒ LOSS OF VISITATION PRIVILEGES *03/25+26**04/4+5/06*☐ MINIMUM 72 HOURS CELL RESTRICTION☐ OTHER

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES

NO

OFFICER REQUESTING SANCTION/RESTRICTION

OFFICER AUTHORIZING SANCTION/RESTRICTION

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 2/20/06 at approximately 1940 hrs. Inmate Smith, Jimmie #57598 was told to stop talking and dancing in front of A-101 window communicating with inmate Wilson, Tony in E pod. Inmate Smith, Jimmie #57598 was redirected about 90 degrees. Statement of dancing and talking in front of the window in the hallway until 2100 hrs. Officer Brannon, a white male, witnessed his actions as well. Inmate Smith, #57598 was in violation of Houston County Jail Rule #11, which states: No inmate will commit any kind of indecent sexual act or exhibition (#11) No inmate will fraternize with Sheriff's Department personnel nor disobey an order or instructions given by Sheriff's Department personnel.

End of Statement

REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER

SIGNATURE OF SGT. OR ASC/O

DATE APPEAL SENT 02/23/06**NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION**Inmate Name: Smith, JimmieHCJ# 57598POD A-2Date filing notice of appeal: 02-23-06On, 2-21, 2006, an Inmate Sanction/Restriction was written by Officer Nieves, Vcharging inmate Smith, Jimmie, with a violation of Houston County Jail Inmate Rules and Regulations# 8, 11The circumstances of the violations are: talking ~~and~~ to another inmate and dancing in front of the window.The sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 2 wks loss of visitationI wish to appeal the decision because: on the ^{right of the} 21st, officer V. Nieves did not work back here that night. So how can he write me up for this. This have to stop this is getting ridiculous with this officer writing me up. This is 3rd or 4th one this week from him.

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

On the 24 day of February, 2006, an appeal of the Sanction/Restriction taken against inmateJimmie Smith was reviewed by Lt. Rocco, and the following action was taken:APPEAL APPROVED APPEAL DISAPPROVED OTHER ACTION TAKEN: Sanction dismissed

Basis for approval/disapproval of appeal: _____

I hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the _____

day of 02/27, 2006.J. Walker
Officer SignatureINMATE SERVED COPY--YES

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>Smith, Jimmie</u>	DATE: <u>2-18-06</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>A2</u>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION	DATES START/END
<u>WKS</u> <input type="radio"/> SUSPENSION OF TELEPHONE PRIVILEGES	<u>/</u>
<u>WKS</u> <input type="radio"/> SUSPENSION OF COMMISSARY PRIVILEGES	<u>/</u>
<u>17</u> WKS <input checked="" type="radio"/> LOSS OF VISITATION PRIVILEGES	<u>03/4/5/06</u>
<input type="radio"/> MINIMUM 72 HOURS CELL RESTRICTION	<u>/</u>
<input type="radio"/> OTHER	

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <u>Richardson</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walker 02/21/06</u>
--	---

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION
On Saturday 2-18-06 at approx 2150 hr. #14 Smith, Jimmie was observed out of his cell walking around A-pod dayroom. Inmate is in violation of inmate rule #13 which states, "Inmates must roll-in at all roll-in times. Inmates assigned to day room access must be on their mattress at all roll-ins."

2.0.5

<u>SGT R L</u> SIGNATURE OF SGT. OR ASC/O	REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER
--	--

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <i>Smith, Jimmie</i>	DATE: <i>2/17/06</i>	JAIL NUMBER: <i>57398</i>
CURRENT CELL: <i>Aptd / Cell 2</i>	CELL 1/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION

DATES START/END

WKS

☐ SUSPENSION OF TELEPHONE PRIVILEGES*2* WKS☒ SUSPENSION OF COMMISSARY PRIVILEGES*2* WKS☒ LOSS OF VISITATION PRIVILEGES *02/11+12/06**03/18+19/06*☒ MINIMUM 72 HOURS CELL RESTRICTION☒ OTHER *40 / 1 WK. (Multiple Sanctions)*

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES ☐ NO ☐

OFFICER REQUESTING SANCTION/RESTRICTION

OFFICER AUTHORIZING SANCTION/RESTRICTION

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 2/17/06 at approximately 1830 P.M. V. was serving in Prison inmate Smith, Jimmie # [redacted] was held in Cell 2. His jump suit, he has been redirected entire second shift to Cell 2. His jump suit is Brannon Whitehead inmate Smith, Jimmie having his oranges unbuttoned and color up the like old red state in jail and did not comply. At 2140 hrs. inmate Smith, J. was standing in front of Aptd 200. Jump suit unbuttoned and not rolled in. Inmate Smith, J. was in violation of Houston County Jail Rule # 11.12 which states:

1. Uniforms (jump suits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside, and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed.

11. No inmate will interfere with Sheriff's Department personnel, nor disobey an order or instructions given by Sheriff's Department personnel.

SEE BACK OF PAGE FOR RULE #12.

SGT R. G.
SIGNATURE OF SGT. OR ASC/O

REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER

12. No inmate will leave his/her authorized area. Inmates must roll-in to their cells when told to do so. Females must be seated on their bunk.

57598 *Records*

HOUSTON COUNTY JAIL STATEMENT FORM

TIME: 8335 HRS. DATE: 2/14/06 PLACE: Houston County Jail.

I, 38705 Victor Nieves, Jr., make the following true and correct statement pertaining to an Incident/Offense which occurred at the Houston County Jail on 2/14/06 Feb. @ 8335, 2005-2006

On 2/14/06 at approximately 2055 Hrs. % Nieves, Victor # 38705 went around to all pods for inmates to sharpen their pencils. % Nieves, Victor opened A Pod's door and announced if anyone needs pencils sharpened go to New. inmate Smith, Jimmie #57598 came to the door, % Nieves, Victor instructed inmate Smith, Jimmie to fix his collar on his jumpsuit, inmate Smith, J. stated he was short and getting out soon, he did not comply with % Nieves, V. Nevertheless, however % Nieves, V. did let inmate Smith, J. sharpen his pencils. Inmate Smith, Jimmie states: % Nieves, V. called him a "faggot" & % Nieves, Victor have no idea what inmate Smith, J. was talking about! The A Pod door was shut and % Nieves, V. proceeded to the next pod.

End of Statement


SIGNATURE

2/14/06
DATE

Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jimmie Date: 2/11/06 Inmate Number: 57598
 Pod Location: A Pod/Hoar Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:

Date to Begin / Date to End

2 Wks ☒ Suspension of Commissary Privileges

1/2 Wks ☒ Loss of Visitation Privileges

____ Days ☐ Segregation to Cell

☐ Minimum 72 Hours Cell Restriction

☐ OTHER _____

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

[Signature]
On 2/11/06 at approximately 1655 Hrs. while C/O Nieves, V. was serving tour, PM Meals. Inmate Smith, Jimmie #57598 was told to button his Orange jumpsuit and correct his collar. Inmate did not comply with C/O Nieves V. directions and kept asking C/O Nieves V. Did he bother him that his collar was not correct and worn properly. Inmate refused to correct his collar and button his uniform. Inmate was in violation of Houston County Jail Rule #1 & 11, which states: (1) No inmate will interfere with Sheriff's Department personnel, nor disobey an Order or instruction given by Sheriff's Department personnel.
End of Statement

Violation of Rule #1—Uniforms (jumpsuits) will be worn at all times when an inmate is outside his/her cell. The uniform must be worn with the wording "Houston County Jail" on the outside and the uniform must be buttoned completely. While in the recreation area, inmates may wear the uniform top down around their waist, but they must be wearing a T-shirt. However, females must wear a bra under their T-shirts. No bare skin will be exposed.

Signature of Sgt. /ASCO

Sgt. Jones

Revised 09/2005
 W.B. McCarty
 Jail Commander

Inmate Sanction/Restriction Documentation

Inmate Name: JIMMIE SMITH Date: 01-13-06 Inmate Number: 57598

Pod Location: C-3 Bottom Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction: _____ Date to Begin / Date to End

☐ Wks ☐ Suspension of Commissary Privileges
☒ 2 Wks ☒ Loss of Visitation Privileges
☐ Days ☐ Segregation to Cell
☒ Minimum 72 Hours Cell Restriction
☐ OTHER _____

Handwritten notes:
 Numerous Sanctions
 01-19-06 thru 01-22-06
 01-21-06 thru 01-24-06

The Sgt./ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

% Bullard

Officer Authorizing Sanction/Restriction

T. Walker 1/13/06

ON JANUARY 13, 2006, @ APPROX 00:44 WHILE CONDUCTING A CELL SEARCH IN JIMMIE SMITH WAS FOUND IN POSSESSION OF 1- HEAD RAG,
2- COLOGNE BOTTLES 1- EXTRA BLANKET, ROLLING PAPERS, TOBACCO.
IN IS IN VIOLATION OF RULE #9 BELOW also found was 'mcs'
unhand.

Violation of Rule #9—No inmate will possess or attempt to possess contraband either on his/her person, cell, or under his/her control to include testing positive for drugs or alcohol.

Signature of Sgt./ASCO

Sgt. Mail

Revised 09/2005
 W.B. McCarty
 Jail Commander

DATE APPEAL SENT 01-13-06NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTIONInmate Name: Smith, JimmieHCH# 57598POD C-3Date filing notice of appeal: 01-13-06On, 13 Jan, 2006, an Inmate Sanction/Restriction was written by Officer Bullardcharging inmate Smith, Jimmie, with a violation of Houston County Jail Inmate Rules and Regulations# 9The circumstances of the violations are: Conducting cell searchThe sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 2 wks. loss of visitation & 72 hours cell restriction. Also numerous of sanction?

wish to appeal the decision because: I inmate Smith, Jimmie # 57598 can attimed to head reg, 2 - cologne bottles, 1 - extra blanket. As for as, the rolling papers and tobacco that's not mine, and i am not taking responsibility for it. After the search, Sgt. Buckman asked me if i was going to own up to the tobacco and rolling papers. My cell mate, ~~James~~ Jonathan Cochran stated that it was his.

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

On the 19 day of Jan, 2005, an appeal of the Sanction/Restriction taken against inmateJimmie Smith was reviewed by Caroline McCarty, and the following action was taken:APPEAL APPROVED ☒ APPEAL DISAPPROVED OTHER ACTION TAKEN: _____Basis for approval/disapproval of appeal: 1/m Smith, your cell mate stated you claimed it -

I hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the _____

day of 20 January 2006.

T. Walker

 Officer Signature

INMATE SERVED COPY--YES

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>Smith, Jimmie</u>	DATE: <u>1/7/06</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>C-3</u>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION		DATES START/END
<u>1</u> WKS	<input type="radio"/> SUSPENSION OF TELEPHONE PRIVILEGES	<u>1</u>
<u>1</u> WKS	<input checked="" type="radio"/> SUSPENSION OF COMMISSARY PRIVILEGES	<u>1</u>
<u>2</u> WKS	<input checked="" type="radio"/> LOSS OF VISITATION PRIVILEGES	<u>01-28-06 to 02-04-06</u>
	<input type="radio"/> MINIMUM 72 HOURS CELL RESTRICTION	<u>1</u>
	<input type="radio"/> OTHER	

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <u>K. Fitzgerald</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walker 01-10-06</u>
FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION	

"I'm Smith in violation of Prison Rule # 4. This rule states "No inmate will behave in a manner which is disrespectful to Sheriff Dept personnel, other inmates, or visitors." Sgt Brown sent me to C-302 in reference to 2 inmates in the day room corner. Possibly here playing. Both inmates said to have been swinging mops at each other. I entered the pod (with Taser drawn) and witnessed inmates Jimmy Smith & Aaron Flowers coming out of the corner. I advised both inmates to roll in. While doing so, "Mr Smith got upset and at one point told me "Screw you!!" This comment disrespectful to me. "He also made some other statements from inside the cell."

SGT R. L. ...
SIGNATURE OF SGT. OR ASC/O

REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER

7 Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jimmie Date: 12.12.05 Inmate Number: 57598

Pod Location: C Pod Cell 3 Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:

Date to Begin / Date to End

☒ Wks ☒ Suspension of Commissary Privileges

☒ Wks ☒ Loss of Visitation Privileges

____ Days ☐ Segregation to Cell

☐ Minimum 72 Hours Cell Restriction

☐ OTHER _____

01-28+29-05

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

On 12-12-05 at approx 1245 Hrs. Inmate's Table was
upheld and he was clear of all items. Inmate Smith,
Jimmie # 57598, was in violation of Houston County Jail
Rule #10, see below for details.
End of Statement

Violation of Rule #10—Inmates must maintain their cells and common areas in a clean, sanitary, and orderly condition.

Signature of Sgt. /ASCO

Revised 09/2005
 W.B. McCarty
 Jail Commander

#6

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>SMITH JIMMIE</u>	DATE: <u>12-11-05</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>C-3</u>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION		DATES START/END
<u>1</u> WKS <input type="radio"/> SUSPENSION OF TELEPHONE PRIVILEGES		<u>1</u>
<u>1</u> WKS <input checked="" type="radio"/> SUSPENSION OF COMMISSARY PRIVILEGES		<u>1</u>
<u>2</u> WKS <input checked="" type="radio"/> LOSS OF VISITATION PRIVILEGES	<u>01-11-05</u>	<u>01-24-05</u>
<input type="radio"/> MINIMUM 72 HOURS CELL RESTRICTION		<u>1</u>
<input type="radio"/> OTHER		

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION <u>C/O S. Moore</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walker 12/12/05</u>
FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION	

ON SUNDAY, 12-11-05, AROUND 1930HRS SGT BONIN AND I WENT INTO C-Pod DURING MY WATCH TOUR. WHILE IN C-Pod A DOOR STOP WAS FOUND IN THE LOCK OF CELL C-3. Jim Jimmie Smith #57598 Admitted that the door stop was put in the door by him. This is a violation of Houston County Jail Rule #2 that states "NO FOREIGN OBJECTS WILL BE PLACED IN THE JAIL DOORS TO KEEP THE DOOR OPEN OR PREVENT LOCKING. ALL INMATES HOUSED IN A CELL WILL BE REQUIRED TO KEEP THE CELL CLEAN AND FREE OF DEBRIS."
E.O.S.

SGT R. Lee
SIGNATURE OF SGT. OR ASC/O

REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER

#5 Inmate Sanction/Restriction Documentation

Inmate Name: Smith, Jimmie Date: 12.10.05 Inmate Number: 57598
 Pod Location: C Pod/Cell 3T Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction: _____ Date to Begin / Date to End

☒ Wks ☒ Suspension of Commissary Privileges _____
☒ Wks ☒ Loss of Visitation Privileges 01-74806 _____
 _____ Days ☐ Segregation to Cell _____
☐ Minimum 72 Hours Cell Restriction _____
☐ OTHER _____

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

On 12.10.05 at approx: 06:57 hrs. Of Noises, V. was Con-
ducting a door attack in C Pod. Of Noises, V. Saw Pic-
tures Hanging On the wall in C Pod 3T. I/O Smith, Jimmie
#57598 was in violation of Houston County Jail Rule
#3 See Below For Details.

End of Statement

Violation of Rule #3—No paper products or any other type product will be placed over cell windows, vents, doors, cell lights or on the walls.

Signature of Sgt. /ASCO

(D)

Revised 09/2005
 W.B. McCarty
 Jail Commander

#5
DATE APPEAL SENT 12-12-05NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTIONInmate Name: Smith, Jimmie HCT# 57598 POD C-3 BDate filing notice of appeal: 12-12-05On, 12-10, 2005, an Inmate Sanction/Restriction was written by Officer Neves,charging inmate Smith, Jimmie, with a violation of Houston County Jail Inmate Rules and Regulations# 3The circumstances of the violations are: Pictures hanging on the wallThe sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 1 wk
visitationI wish to appeal the decision because: The pictures belong to me Smith Jimmie #57598 not my roommate Sanders, Nicholas #50442 and they were on the bottom not the top. Inmate Sanders, #50442 sleep on top not bottom, there were pictures on top bunk, officer Neves wrote up wrong. But the pictures do belong to me inmate Smith Jimmie not Nicholas Sanders.

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

On the 13 day of Dec, 2005, an appeal of the Sanction/Restriction taken against inmate Smith was reviewed by Sgt Miller and the following action was taken:APPEAL APPROVED ☒ APPEAL DISAPPROVED ☐ OTHER ACTION TAKEN: _____Basis for approval/disapproval of appeal: I'm took responsibility for pictures*****
hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the _____by of 14 Dec, 2005.T. Walker
signatureINMATE SERVED COPY YES

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>Smith Jimmie</u>	DATE: <u>11-11-2005</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>C-60 / C-5</u>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION	DATES START/END
<u>WKS</u> <input type="radio"/> SUSPENSION OF TELEPHONE PRIVILEGES	
<u>2</u> <u>WKS</u> <input checked="" type="radio"/> SUSPENSION OF COMMISSARY PRIVILEGES	
<u>1/2</u> <u>WKS</u> <input checked="" type="radio"/> LOSS OF VISITATION PRIVILEGES	<u>12/28/2005</u> <u>12-31-05</u> <u>01-01-06</u>
<input type="radio"/> MINIMUM 72 HOURS CELL RESTRICTION	
<input type="radio"/> OTHER	

IF THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? <u>YES</u> <u>NO</u>		
<table border="1"> <tr> <td>OFFICER REQUESTING SANCTION/RESTRICTION <u>Richardson</u></td> <td>OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walpole</u> <u>11/14/05</u></td> </tr> </table>	OFFICER REQUESTING SANCTION/RESTRICTION <u>Richardson</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walpole</u> <u>11/14/05</u>
OFFICER REQUESTING SANCTION/RESTRICTION <u>Richardson</u>	OFFICER AUTHORIZING SANCTION/RESTRICTION <u>T. Walpole</u> <u>11/14/05</u>	
FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION		

On Friday, November 11, 2005 at approx. 1635 I observed #14 Smith, Jimmie #57598 sitting on a table in C-60 Dayroom with a blanket and a headrag on his head. This is a violation of inmate rule number 14 which states:

No inmate will be allowed to wear a cap, scarf, hat, headrag, etc., or anything covering their hair or head.

E. O. S.

Stetson
SIGNATURE OF SGT. OR ASC/O

#2 Inmate Sanction/Restriction Documentation

Inmate Name: SMITH JIMMY Date: 10-11-05 Inmate Number: 57598
 Pod Location: A-1 Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:

Date to Begin / Date to End

3 Wks ☒ Suspension of Commissary Privileges

~~11-10-05 / 11-12-05~~
~~11-19-05 / 12-03-05~~
~~11-26-05 / 11-26-07-05~~

3 Wks ☒ Loss of Visitation Privileges

____ Days ☐ Segregation to Cell

☒ Minimum 72 Hours Cell Restriction

~~10-18-05 / 10-21-05~~
~~10-19-05~~

☐ OTHER _____

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

9051/ASCO

10/13/05

ON TUESDAY, 10-11-05 AROUND 2255 HRS 90 NIEVES AND I CONDUCTED A SEARCH OF CELL A-1. DURING THIS SEARCH A CONTAINER WITH STYROFOAM CUPS AND HEAD RAG WAS FOUND IN VM SMITH, JIMMY # 57598 BUNK AREA. THIS IS A VIOLATION OF HOUSTON COUNTY JAIL RULE # 9 AS STATED BELOW.

Violation of Rule #9—No inmate will possess or attempt to possess contraband either on his/her person, cell, or under his/her control to include testing positive for drugs or alcohol.

Signature of Sgt. /ASCO

Sgt. Jones

Revised 09/2005
 W.B. McCarty
 Jail Commander

#2

Appeal
Sent
10-13-05NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTIONInmate Name: Smith Jimmie HCT# 57594 POD A-Pod cell 2Date filing notice of appeal: Oct 13, 2005On Oct 11, 2005, an Inmate Sanction/Restriction was written by Officer S. Moore,charging inmate Smith Jimmie, with a violation of Houston County Jail Inmate Rules and Regulations9 but is supposed to be #14The circumstances of the violations are: 9 headrag & styre foam cupsSanction found me to be guilty/not-guilty of a major/minor offense. Punishment was set at: 3 wks commissary & wks visitation & 72 Hrs Cell RestrictionI appeal the decision because: In the rule book it is #14 not #9 and the styre foam cups was from breakfast that morning. If you can come see the cups & on my table. Thank You

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

On the 17 day of Oct, 2005, an appeal of the Sanction/Restriction taken against inmateJimmie Smith was reviewed by Commander McCarty, and the following action was taken:APPEAL APPROVED ☒ ~~APPEAL DISAPPROVED~~ OTHER ACTION TAKEN: _____Basis for approval/disapproval of appeal: Appeal deniedI hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the 18Date Oct, 2005.T. Waller
Officer SignatureINMATE SERVED COPY X

#1

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <i>Smith, Jimmy</i>	DATE: <i>10.11.05</i>	JAIL NUMBER: <i>57598</i>
CURRENT CELL: <i>A Pod Cell 1</i>	CELL I/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION

DATES START/END

WKS

☐ SUSPENSION OF TELEPHONE PRIVILEGES

WKS

☒ SUSPENSION OF COMMISSARY PRIVILEGES

WKS

☒ LOSS OF VISITATION PRIVILEGES☐ MINIMUM 72 HOURS CELL RESTRICTION☐ OTHER

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES

NO

OFFICER REQUESTING SANCTION/RESTRICTION

OFFICER AUTHORIZING SANCTION/RESTRICTION

*Go Nieves, V.**10/3/05*

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

On 10.11.05 at approx: 1900 hrs, inmate Smith, Jimmy # 57598 was cldn A Pod on the 1st floor passing Dennis's cldn B Pod to inmate Dudley, T. # 56413. This action was witnessed by Go Nieves, V. and Go Nieves, V. went into the B Pod and retrieved the commissary that were on the floor. T.M. Smith, J. # 57598 was cldn violation of Clayton County Jail Rule # 17 which states: No inmate will pass any cldn from one Pod to another.

End of Statement

Sgt. Jones

REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER

SIGNATURE OF SGT. OR ASC/O

#1

Appeal
Sent
10-13-05

NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION

Inmate Name: James L. Smith HCT# 57598 POD A-Pod cell 1

Date filing notice of appeal: Oct 13, 2005

On, Oct 11, 2005, an Inmate Sanction/Restriction was written by Officer Norris V.

Charging inmate Smith, James, with a violation of Houston County Jail Inmate Rules and Regulations

the circumstances of the violations are: 3 wks, commissary privileges and 3 wks loss of visitation privileges

the sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: Passing items from pod to pod.

I wish to appeal the decision because: I inmate Smith, James #57598 was just settling on the floor, after watching T.V. Inmate Wilson, Tony was passing from pod to pod and he have attuned to it on his appeal and it states in the book if a inmate attune to it the other will not be charged. Thanks You

*****DO NOT WRITE BELOW THIS LINE—ADMINISTRATION USE ONLY*****

On the 17 day of Oct, 2005, an appeal of the Sanction/Restriction taken against inmate

James Smith was reviewed by Commander McIntyre and the following action was taken:

APPEAL APPROVED ☒ APPEAL DISAPPROVED ☐ OTHER ACTION TAKEN: _____

Reason for approval/disapproval of appeal: James L. Smith Appeal denied, however 1 week loss of commissary and 1 week loss of visitation privileges.

I hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the 18

Oct, 2005.
T. Wall
Officer Signature

INMATE SERVED COPY X

#3

Inmate Sanction/Restriction Documentation

Inmate Name: SMITH JIMMY Date: 10-11-05 Inmate Number: 57598
 Pod Location: A-1 Pod/Cell Inmate moved to (If applicable): _____

Type of Restriction/Sanction:

Date to Begin / Date to End

2 Wks ☒ Suspension of Commissary Privileges

12-10-05 / 12-19-05

2 Wks ☒ Loss of Visitation Privileges

12-10-05 / 12-17+18-05

____ Days ☐ Segregation to Cell

Due to 3 sanctions ☒ Minimum 72 Hours Cell Restriction

10-21-05 / 10-24-05

☐ OTHER _____

Note: The Sgt. /ASCO must be notified immediately of any Sanction/Restriction applied to inmates and must countersign this form. Fill in the area below with a full and complete explanation of reasons for Sanction/Restriction.

Officer Requesting Sanction/Restriction

Officer Authorizing Sanction/Restriction

Sgt. Moore

[Signature] 10/13/05

ON TUESDAY 10-11-05 AROUND 2255 HRS SGT NIEVES AND I CONDUCTED A SEARCH OF CELL A-1. DURING OUR SEARCH I FOUND JIM SMITH, JIMMY #57598 IDENTIFICATION BRACELET IN HIS DRAWER IN CELL A-1. THIS IS A VIOLATION OF HOUSTON COUNTY JAIL RULE #18 AS STATED BELOW.

Violation of Rule #18—Inmates must wear identification arm band at all times.

Signature of Sgt. /ASCO

Sgt. Jones

Revised 09/2005
 W.B. McCarty
 Jail Commander

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: <u>SMITH, JEROME</u>	DATE: <u>10-4-05</u>	JAIL NUMBER: <u>57598</u>
CURRENT CELL: <u>A1</u>	CELL 1/M MOVED TO (IF APPLICABLE)	

TYPE OF SANCTION OR RESTRICTION

DATES START/END

 WKS ☐ SUSPENSION OF TELEPHONE PRIVILEGES / WKS ☐ SUSPENSION OF COMMISSARY PRIVILEGES / 12 WKS ☒ LOSS OF VISITATION PRIVILEGES 10-8-05 / ☐ MINIMUM 72 HOURS CELL RESTRICTION / ☐ OTHER

NOTE: THE SGT. ON DUTY OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES NO

OFFICER REQUESTING SANCTION/RESTRICTION

OFFICER AUTHORIZING SANCTION/RESTRICTION

R. GandyOCT 05 2005

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

While conducting the morning floor check, the above named inmate was found to not be in compliance with the Living Area Requirement section of the Inmate Rules and Regulations. Bunks will be in compliance during the following hours of 8:00 A.M. to 9:00 P.M. See example below:

EXAMPLE LIVING AREA REQUIREMENTSCHECK DONE 0847HRS

NON-COMPLIANCE OF RULES LISTED
BELOW MAY RESULT IN SANCTION/DISCIPLINARY ACTION

BUNKS WILL BE IN COMPLIANCE WITH (ABOVE) EXAMPLE DURING THE FOLLOWING HOURS:

8:00 A.M. TO 9:00 P.M. MONDAY THROUGH FRIDAY

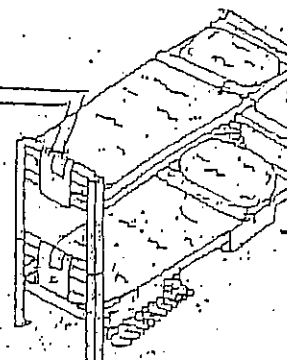
7:30 A.M. TO 9:00 P.M. SATURDAY AND SUNDAY

NOTE: THE OFFICER WILL CHECK YOUR CELL BEFORE THE INMATE IS ALLOWED TO "ROLL-OUT" OF THE CELL. IF THE INMATE'S CELL IS NOT IN AN ORDERLY MANNER, THE INMATE WILL REMAIN ON LOCKDOWN AND RECEIVE A SANCTION/RESTRICTION.

EACH INMATE WILL KEEP HIS/HER AREA CLEAN AND CLEAR OF LITTER.

NO ITEMS UNDER BUNKS EXCEPT SHOES, AND SHOES MUST BE ALIGNED AT THE END OF THE BUNK.

TOWEL-WASH CLOTH
CENTERED AT FOOT
OF BED



REVISED 07/2004 PER W.B. MCCARTY, JAIL COMMANDER

B.R.

TURE OF SGT. OR ASC/O

INMATE SANCTION/RESTRICTION DOCUMENTATION

NAME OF INMATE: SMITH JIMMY DATE: 7-14-05 JAIL NUMBER: 57598
 CURRENT CELL: A-1 CELL I/M MOVED TO (IF APPLICABLE) _____

TYPE OF SANCTION OR RESTRICTION

DATES START/END

WKS ☐ SUSPENSION OF TELEPHONE PRIVILEGES _____

WKS ☐ SUSPENSION OF COMMISSARY PRIVILEGES _____

WKS ☐ LOSS OF VISITATION PRIVILEGES _____

☒ MINIMUM 72 HOURS CELL RESTRICTION 7-22-05 17-22-05

☐ OTHER Sanction dismissed

NOTE: THE SC/O, OR ASC/O MUST BE NOTIFIED IMMEDIATELY OF ANY SANCTION OR RESTRICTIONS APPLIED TO INMATES AND MUST COUNTERSIGN THIS FORM.

DOES INMATE WISH TO APPEAL? YES _____ NO _____

OFFICER REQUESTING SANCTION/RESTRICTION

OFFICER AUTHORIZING SANCTION/RESTRICTION

D. Munn

K. [Signature] 7-15-5

FULL AND COMPLETE EXPLANATION OF REASON(S) FOR SANCTION/RESTRICTION

At approximately 9:08 while conducting count, I/M JIMMY SMITH had a spoon stuck in lock of cell door A-1. At that time all cell doors should have been secured. I/M SMITH IS IN VIOLATION OF RULE #2 which states (SEE BELOW)

This is the second offense for this inmate.

02. WHEN FOREIGN OBJECTS ARE WILLFULLY PLACED IN THE CELL DOORS FOR THE PURPOSE OF BLOCKING THE LOCKING DEVICE, KEEPING THE DOOR HELD OPEN OR DESTROYING THE LOCKING DEVICE, IF THE ACT CANNOT BE ASSOCIATED WITH A PARTICULAR CELL INHABITANT, ALL OCCUPANTS OF THE CELL WILL BE HELD RESPONSIBLE. SINCE IT IS A JAIL REQUIREMENT THAT EACH INMATE KEEP HIS/HER CELL IN PROPER ORDER, FAILURE TO REMOVE FOREIGN OBJECTS FROM THE LOCKING DEVICE WILL BE CONSIDERED AS FAILURE TO OBEY THE RULES. THE APPROPRIATE PUNISHMENT WILL BE ENFORCED FOLLOWING DISCIPLINARY PROCEEDINGS.

REVISED 07/2003 PER WILL MCCARTY, JAIL COMMANDER

SIGNATURE OF SC/O OR ASC/O

The Rule 02 states if the act cannot be associated with a particular cell inhabitant. All ~~cell~~ occupants of the cell will be held responsible. My roommate admitted on his Appeal

NOTICE OF APPEAL FOR INMATE SANCTION/RESTRICTION

Inmate Name: Jimmy Smith HCI# 57598 POD A cell 1

Date filing notice of appeal: 7-16-05

On 7-14-05, 2005, an Inmate Sanction/Restriction was written by Officer Munn

charging inmate Jimmy Smith, with a violation of Houston County Jail Inmate Rules and Regulations

2

The circumstances of the violations are: That I was accused of putting a object in the door when my room mate admitted it was him who put it in there on his appeal.

The sanction found me to be guilty/not guilty of a major/minor offense. Punishment was set at: 72 hrs Cell restriction

I wish to appeal the decision because: My room mate admitted he put it in the door. And plus it's my first sanction ever I was not about to argue with him because he has been in the cell before me and I was told to go in there and he's way bigger so I let him do as he feel and I do as I feel cause its both our cell But I don't think its right I get punished when he admitted it on his appeal and its my first sanction ever in here and I

*****DO NOT WRITE BELOW THIS LINE-ADMINISTRATION USE ONLY***** didn't put it in the door

On the 18 day of July, 2005, an appeal of the Sanction/Restriction taken against inmate Jimmy Smith was reviewed by Commander McEnty, and the following action was taken:

APPEAL APPROVED ☐ APPEAL DISAPPROVED ☐ OTHER ACTION TAKEN: Sanction Dismissed

basis for approval/disapproval of appeal: 1/m's Roommate admitted he placed spoon in lock-

hereby certify that a completed copy of the foregoing appeal was served on the above named inmate on the 18

day of July 2005.

Officer Signature [Signature]

INMATE SERVED COPY X

INMATE GRIEVANCE FORM

DATE: 10-18-06, 2006 POD/CELL LOCATION: 171-1INMATE NAME: Smith, Jimmie INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: On Oct. 18, 2006 around 10:45 p.m. Myself I/M Smith, Jimmie, and I/M Brown, Jeremy was coming in for the night from our job duties. As we saw officer P. Richardson put I/M Liber, Racher down. Then we came in Door 1211 to come in, ~~after~~ officer P. Richardson put I/M Liber, Racher into O-Rail. My self and I/M Brown, Jeremy was told to put our things down and come on. As I/M Brown, Jeremy turn around to walk off, I stated how come we ^{can't be paid} have to be down why we have to leave. Officer P. Richardson then stated you will do as i say, so I/M Smith put your things

WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? I would like a for investigation on them 3 officers 138, 169 and P. Richardson, about them taser. I really dont think it was right how they did me. All i said was i dont think that's right I have two witnesses I/M Brown, Jeremy and officer S. Edestien how they did me. If all this comes out right I ask that the main one that shot me be suspended and will not be allowed to have a taser for a week. Then the other two be on suspension from carrying a taser for a week. The jail has had problems all ready with them and them taser. All i ask is for a for investigation. Thanks You I/M Smith, Jimmie

OFFICER RESPONSE OR FINDING?

SGT. ON DUTY RESPONSE: I/M Smith- your allegations will be investigated. 10/19/06
G. Rocco

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 10/19/06CORRECTIONS OFFICER SIGNATURE: [Signature]INMATE SIGNATURE: [Signature]

INMATE GRIEVANCE FORM

DATE: 2-23, 20056 POD/CELL LOCATION: A-2INMATE NAME: Smith, Jimmie INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: On the night of the 21st of Feb
Officer V. Nieves was over i guess well he wrote me up on a sanction
for talking and dancing in front of the window well i dont think is
right because the officer did not work back here And if that is the
case why didn't officer ~~Banner~~ write me up for that.

WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? ~~There~~ I would like for all of this
~~complaints~~ makes to stop This is getting ridiculous with officer V. Nieves,
writing me up for crazy reason. Some one need to talk ~~me~~ to him.
This has to stop.

OFFICER RESPONSE OR FINDING?

SGT. ON DUTY RESPONSE: I/M Smith: The allegations against C/O Nieves are presently
under investigation. 2/27/06 Lt. K. Rocco

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 2-27-2006CORRECTIONS OFFICER SIGNATURE: D. RichardINMATE SIGNATURE: Jimmie L. Smith

INMATE GRIEVANCE FORM

DATE: 02-14-06, 20056 POD/CELL LOCATION: 17-2INMATE NAME: Smith, Jimmie INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: Right before roll-in round 8:55 p.m. on the night of Feb. 14, 2006 officer V. Nieves, beat the pencil shaper around to sharpen pencils. Well in line waiting, as I got up there to sharpen my pencil officer V. Nieves stated but up Forget. I don't think that is right for a officer to call some one out a name for no reason. I don't know why he is down my back. He is all ways writing me up for crazy reason. Like he write me up for my collar not been turn down, come on that's crazy. If you can look back and see, he have write me up so many times, for crazy things.

WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? So one need to sit down and talk to him, and tell him to leave his ~~pen~~^{attitude} at home, and don't bring it to work. Also he needs a break from back here, because when he is back here all he do is try and find something to write me up for. Also i have write him up for something happen a few days ago, and the A. Pod had sign it. No respen yet. So if something can stop all of this crazies i will be glad. If not i am going to take it to the next level. By writing ~~the~~ my family and the Sheriff should be notified about this officer. Because i feel he could hurt me one day, just because he is a officer.

OFFICER RESPONSE OR FINDING?

SGT. ON DUTY RESPONSE: I/M Smith: Your allegation of C/O Nieves is being investigated. Name calling and demeaning slurs will not be tolerated or condoned. This applies to staff and inmates alike. 2/21/06
G. H. [Signature]

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 2-21-06CORRECTIONS OFFICER SIGNATURE: RussINMATE SIGNATURE: Jimmie L. Smith

INMATE GRIEVANCE FORM

DATE: Feb. 11, 2006 POD/CELL LOCATION: A - Pod
 INMATE NAME: A-Pod population Jimmy L. Smith INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: C/O Nevies blatantly discriminates against inmates in general. He is very belligerent and indignant towards inmates in A-Pod specifically. When he arrives on shift he comes directly to A-Pod and does his best to provoke confrontation with the pod. He has the T.V. turned off for no apparent reason. He communicates with everyone with an attitude of disrespect. An example of his misuse of authority is he allowed the inmates to get a blue bunk for floor and told one inmate (namely) Jimmy Smith #57598 he couldn't get and did not have a justifiable reason to do so. Then after confronting A-Pod he precal to spray another inmate in the face about a blue bunk which we all witnessed.
 WHAT DO YOU WANT TO HAPPEN TO SOLVE IT?

When we as an inmate population show respect to the administration and in return become disrespected and abused by one particular Officer that Officer becomes a security breach and C/O Nevies fits that criteria and he is prompting a revolt if his use of authority is not either reprimanded or taken. He has no social skills in order to deal with inmates. We want action or action will be taken against him personally. This is in reference to litigation on the Houston County Jail Admin. Inmates in agreement sign below.

OFFICER RESPONSE OR FINDING?

- ① Jimmy L. Smith #57598
- ② Romer Laster
- ③
- ④ Lindsay Brown #56617
- ⑤ Kaudin Sotter #45895
- ⑥ Don Branch 41438
- ⑦ COKEY JOHNSON 58271
- ⑧ SHAWN COLLINS 556434
- ⑨ SGT. ON DUTY RESPONSE:
- ⑨ Robert Lee Williams Jr. #57598
- ⑩ T. J. Smith #57598
- ⑪ Harold H. #57883
- ⑫ Steve #39619 He Threatened me not 3 minutes before said incident.
- ⑬ Freddie Thomas #139196
- ⑭ Jim #5030
- ⑮ Charles #45351
- ⑯ James Marshall 54747

LT. Rocco and Cmdr. McCarty spoke with Jim Smith 2/16/06 in regards to this issue. Will look into this - Commander McCarty 2/16/06

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 2-21-06

CORRECTIONS OFFICER SIGNATURE: Russ

INMATE SIGNATURE: Jimmy L. Smith

INMATE GRIEVANCE FORM

DATE: 01-13, 2006 POD/CELL LOCATION: C-3INMATE NAME: Smith, Jimmie INMATE NUMBER: 57598

NATURE OF GRIEVANCE OR INFORMATION: False statement submitted by Sgt. Marsh on the 13th of Jan 06, Sgt. Marsh charge me, Jimmie Smith of possession of pornographic material, a piece of metal off a lighter, and a extra laundry bag. These violations were written up on Jonathan Cochran. The pornographic material was in Jonathan Cochran shoes and the piece of metal was on his bed. As far as the extra laundry bag, it was not mine.

WHAT DO YOU WANT TO HAPPEN TO SOLVE IT? In the future, Sgt Marsh should not write-up one inmate and fully accuse another inmate on that same sanction, ie Jimmie Smith on Jonathan Cochran Sanction. I truly hope that Justice will be served.

OFFICER RESPONSE OR FINDING? 1/13/06 /m SMITH YOU ARE

SGT. ON DUTY RESPONSE: 1/13/06 /m SMITH YOU ARE CORRECT, I DID PUT THE WRONG NAME ON THE SANCTION. I APOLOGIZE FOR THAT. I WILL WRITE A NOTE MRS. WALKER TO LET HER KNOW WHAT HAPPENED. HOPEFULLY WE CAN GET THIS TAKEN CARE OF. Sgt. Marsh

LOSE
YOU WILL STILL LOSE YOUR VISITS FOR THE NO ARM BAND.

***** DO NOT SIGN UNTIL YOU HAVE READ RESPONSE *****

DATE GRIEVANCE RETURNED: 1/14/06CORRECTIONS OFFICER SIGNATURE: X JacksonINMATE SIGNATURE: X Jimmie Smith

INMATE REQUEST FORM

Date: 1-21-06 INMATES # 57598 - C-1201
 To: Sgt. Marsh C/O SIGNATURE Aze
 From: Jimmy L. Smith SR C/O SIGNATURE _____

NATURE OF REQUEST To talk to you as soon as possible
Thank You

ACTION TAKEN 1/21/06 Done Sgt. Marsh

X Jimmy L. Smith

INMATE REQUEST FORM

Date: 6-12-06 A-Unit INMATES # 57598 A2
 To: Sgt. Buchanan C/O SIGNATURE Sapp
 From: Jimmy L. Smith SR C/O SIGNATURE _____

NATURE OF REQUEST I need to speak with you tonight when
you have time about A-H clean up.

ACTION TAKEN

06-13-06

I'll be down there with the library
tonight. You can speak to me at
that time. Sgt. Buchanan
Jimmy L. Smith

INMATE REQUEST FORM

Date: 01-01-06INMATES # 37598 C-RedTo: Docket / RecordsC/O SIGNATURE [Signature]From: Jimmie L. SmithSR C/O SIGNATURE [Signature]

NATURE OF REQUEST To find out when i go to court, and also how much is my Bond Thank You

ACTION TAKEN

You was Indt. 10/28/05 on all 5 of your cases 5x 10,000⁰⁰ is your bond. We have no current court date. [Signature]

9/2/06 ET

Houston Printing Co., Inc. • Form #5135 • Rev. 3-98 WOF54

INMATE REQUEST FORM

Date: 1-20-06INMATES # 37598 C-RedTo: Sgt. BuchmanC/O SIGNATURE [Signature]From: Jimmie L. SmithSR C/O SIGNATURE [Signature]

NATURE OF REQUEST I need to talk to you as soon as possible. Thank You.

ACTION TAKEN 1/21/06 Done Sgt. MarshX [Signature]

INMATE REQUEST FORM

Date: 11-12-05 INMATES # 57598 C-Pod
To: Mrs Walker C/O SIGNATURE J. Moon
From: Jimmie L. Smith SR C/O SIGNATURE [Signature]
NATURE OF REQUEST To get a print out of a account summary
Thank you Jimmie Smith

ACTION TAKEN 11/14/05TH 1/m Smith Printout Attached
Jim Smith

INMATE REQUEST FORM

Date: 12-28-05 INMATES # 57598 C-Pod
To: Skellton C/O SIGNATURE [Signature]
From: Jimmie L. Smith SR C/O SIGNATURE [Signature]
NATURE OF REQUEST I need a notes over. Thank You

ACTION TAKEN where or what is wrong with the one
you were issued? & stuck 12-29-05

[Signature]

INMATE REQUEST FORM

Date: 9-20-05INMATES # 57598A-PodTo: Records

C/O SIGNATURE

From: Jimmie L. Smith

SR C/O SIGNATURE

BR

NATURE OF REQUEST I have 2 tickets at the city can some one let them know well i am here so i can take care of them. And Also can you let me know when i go to court for the ~~county~~ ~~county~~ county.

ACTION TAKEN

Request faxed to City Magistrate.D. Jones

INMATE REQUEST FORM

Date: 10-5-05INMATES # 57598A-PodTo: ~~Records~~ Docket

C/O SIGNATURE

RussFrom: Jimmie L. Smith

SR C/O SIGNATURE

Jones

NATURE OF REQUEST To find out if i got a court date, And how much is my bond?

Thank You

ACTION TAKEN

No Court Date At this time -
You have (5) 10,000 Bonds10/8/05
JonesD. Jones

INMATE REQUEST FORM

Date: 9-6-05 INMATES # 57598 A-Pod
 To: Sr Turner C/O SIGNATURE Sapp
 From: Jimmie Smith SR C/O SIGNATURE Jones

NATURE OF REQUEST To go to the law library to look up my cases.

Thank you

ACTION TAKEN

DONE 9/19/05

X Jimmie Smith

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INMATE REQUEST FORM

Date: 9-14-05 INMATES # 57598 A-Pod
 To: Docket C/O SIGNATURE Smith
 From: Jimmie L. Smith SR C/O SIGNATURE Jones

NATURE OF REQUEST To call my Bondsman to come see me the # is 334-712-9988 at A-Advantage Bonding ~~base~~ his name is Dale Quallebaum. Thank You

ACTION TAKEN

9/15/05 Done - Left message with Ed to Mill

X Jimmie Smith

INMATE REQUEST FORM

Date: August 23 2005 INMATES # 57598 A-Pod
 To: Docket C/O SIGNATURE C/K. Moore
 From: Jimmie Smith SR C/O SIGNATURE _____
 NATURE OF REQUEST to see if I have any debts on
me

ACTION TAKEN No, you do not

X Jimmie Smith

T. Smith 8-26-05

Houston Printing Co., Inc. • Form #5135 • Rev. 3-98 WO#54

INMATE REQUEST FORM

Date: 8-25-05 INMATES # 57598 A-Pod
 To: ~~Docket~~ % Reed C/O SIGNATURE _____
 From: Jimmie L. Smith SR C/O SIGNATURE _____
 NATURE OF REQUEST Is it possible that some one could stop
sending my mail all over the jail, because i got a letter
one day this week & my mom said ⁱⁿ the letter that they
send me some money but i have not got it yet. I know
that it is a nether Jimmie Smith in this jail in M-Pod.
Thank You

ACTION TAKEN _____

Your mail goes to A pod where you are
located @. Hve who ever is writing you to put
the correct pod on your letters and you won't have
any problems. 8/29/05 & Jimmie Smith

INMATE REQUEST FORM

Date: July 28, 2005 INMATES # 54598
 To: City Magistrate Docket C/O SIGNATURE Baxton
 From: Jimmie Smith SR C/O SIGNATURE _____

NATURE OF REQUEST I have 2 tickets for the City. I was wondering if I could get put on COURT Docket soon because I am going to bond out of the County jail soon. If not could I get my COURT Date.

ACTION TAKEN The city will call us with your court date, if you bond out before then, call over there and ask them to set you one if they could.

x Jimmie Smith T. Smith 7-31-05

Houston Printing Co., Inc. • Form #5135 • Rev. 3-98 WO#54

INMATE REQUEST FORM

Date: 8/10/05 INMATES # 54508
 To: Docket C/O SIGNATURE [Signature]
 From: Jimmie Smith SR C/O SIGNATURE [Signature]

NATURE OF REQUEST To see when is my COURT date. And to see if I have a lawyer.

ACTION TAKEN 8-10-05 We don't have any new court dates listed at this time.

x Jimmie Smith

**HOUSTON COUNTY SHERIFF'S DEPT.
LAMAR GLOVER, SHERIFF**

VISITATION LIST

Last Name Smith First Name Jimmie

Floor Location A-2 Date 2-23-06 I/M # 57598

VISITORS

1. Smith, Patricia 5. Davis, Patrice

2. McGowan, Chris 6. Grayes, Kemarc

3. Ballew, Mark 7. _____

Smith.
4. Whithead, Latricea 8. _____

BANNED

BANNED

1. _____ 2. _____

NOTE TO ALL INMATES:

This is a permanent visitation list. New lists will be issued every three (3) months (March, June, September and December). Names will not be added or deleted from this list.

You are not allowed to have more than two (2) visitors per visitation day. Children, no matter their age, are counted as one (1) visitor. There are no exceptions to this rule.

Every visitor must have a valid ID in order to visit.

Anyone over the age of sixteen (16) must have a valid picture ID in order to visit.

Children under the age of sixteen (16) may use a social security card or school ID card.

I have read the above statements and by signing my name I agree to abide by the above statements.

I/M SIGNATURE Smith, Jimmie L. DATE _____

C/O SIGNATURE Bush DATE 2/23/06

DEP

HOUSTON COUNTY SHERIFF'S DEPARTMENT

LAMAR GLOVER, SHERIFF

VISITING LIST

NAME Smith, Jimmie INMATE# 57598

FLOOR LOCATION A-Pod cell 1 DATE 9-02-05

VISITORS NAME

1. <u>Smith, Patricia</u>	1. <u>Davis, Patrick</u>
2. <u>Ballew, Mark</u>	2. <u>Graves, Karmale</u>
3. <u>Haines, Andre</u>	3. <u>Whithead, Troy</u>
4. <u>Davis, Patrick</u>	4. <u>Whithead, Keyon</u>

BANNED

1. _____ 2. _____

NOTE

THIS IS A PERMANENT VISITING LIST. IT MAY ONLY BE CHANGE AFTER SIX(6)MONTHS. YOU WILL BE ALLOWED A TOTAL OF (8) NAMES ON YOUR VISITING LIST, BUT YOU WILL BE ALLOWED TWO (2) VISITORS TO COME ON YOUR VISITING DAY, CHILDREN (NO MATTER THEIR AGE, COUNT AS ONE VISITOR), AND THERE WILL NOT BE ANY EXCEPTIONS TO THIS RULE. EVERY VISITOR MUST SHOW THEIR VALID PICTURE IDENTIFICATION (DRIVER'S LICENSE/STATE IDENTIFICATION CARD), WITH THE EXCEPTION OF CHILDREN UNDER THE AGE OF SIXTEEN(16), WHO MAY USE THEIR SOCIAL SECURITY CARD.

I HAVE READ THE ABOVE STATEMENTS AND I HAVE LISTED MY (8) VISITORS NAME ABOVE.

I/M SIGNATURE Jimmie Smith DATE 9-02-05

C/O SIGNATURE Walker DATE _____

57598
10-20-06
ACR359

COPY

ALABAMA JUDICIAL DATA CENTER
HOUSTON COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORTCC 2005 001775.00 01
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY

COURT ORI: 038015 J

STATE OF ALABAMA

VS.

SMITH JIMMIE LEE

ALIAS:

C/O HCJ

ALIAS:

901 E MAIN ST

DOTHAN AL 36301

DC NO: DC 2005 002560.00

G J: 031-10

SSN: 591180251

SID: 000000000

AIS: 000000

DOB: 01/29/1983

SEX: M

HT: 5 08

WT: 130

HAIR: BLK

EYE: BRO

RACE: () W (X) B () O

COMPLEXION:

AGE:

FEATURES:

DATE OFFENSE: 07/06/2005

ARREST DATE: 10/29/2005

ARREST ORI: 0380100

CHARGES @ CONV

CITES

CT CL

COURT ACTION

CA DATE

POSS FORGED INSTR

13A-009-006

01 C

GUILTY PLEA

08/02/2006

00

00/00/0000

00

00/00/0000

JUDGE: SIDNEY E. JACKSON

PROSECUTOR: BINFORD HENRY D

PROBATION APPLIED

GRANTED

DATE

REARRESTED DATE

REVOKED

DATE

(X) Y () N 8-2-06

() Y (X) N

9-13-06

() Y () N

() Y () N

15-18-8

CODE OF ALA 1975

IMPOSED

SUSPENDED

TOTAL

JAIL CREDIT

() Y (X) N

CONFINEMENT:

05 00 000

00 00 000

05 00 000

00 00 435

DATE SENTENCED: 08/02/2006

00 00 000

SENTENCE BEGINS: 09/13/2006

PROVISIONS

COSTS/RESTITUTION

DUE

ORDERED

PENITENTIARY

CONCURR SENT

RESTITUTION

\$0.00

\$0.00

ATTORNEY FEE

\$500.00

\$500.00

CRIME VICTIMS

\$750.00

\$750.00

COST

\$273.00

\$273.00

FINE

\$1500.00

\$1500.00

MUNICIPAL FEES

\$0.00

\$0.00

DRUG FEES

\$0.00

\$0.00

ADDTL DEFENDANT

\$0.00

\$0.00

DA FEES

\$0.00

\$0.00

COLLECTION ACCT

\$0.00

\$0.00

JAIL FEES

\$0.00

\$0.00

TOTAL

\$3023.00

\$3023.00

APPEAL DATE

SUSPENDED

AFFIRMED

REARREST

() Y (X) N

() Y () N

() Y () N

() Y () N

REMARKS:

THIS IS TO CERTIFY THAT THE
ABOVE INFORMATION WAS EXTRACTED
FROM OFFICIAL COURT RECORDS
AND IS TRUE AND CORRECT.
AMENDED DEFT REMOVED FROM HOUSTON COUNTY CCO, SENT TO CUSTODY OF
THE ALABAMA DEPT OF CORRECTIONS TO SERVE THE REMAINDER OF HIS SENTENCE

JUDY BYRD

10/19/2006

OPERATOR: JIS
PREPARED: 10/19/2006

COPY

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ALABAMA JUDICIAL DATA CENTER
HOUSTON COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORTCC 2005 001776.00 01
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY		COURT ORI: 038015 J	
STATE OF ALABAMA VS.		DC NO: DC 2005 002561.00	
SMITH JIMMIE LEE		G J: 32-10	
C/O HCJ		SSN: 591180251	
901 E MAIN ST		SID: 000000000	
DOTHAN AL 36301		AIS:	
DOB: 01/29/1983	SEX: M	HT: 5 08	WT: 130
RACE: () W (X) B () O	COMPLEXION:	HAIR: BLK	EYE: BRO
DATE OFFENSE: 07/06/2005		ARREST DATE: 10/29/2005	
ARREST ORI: 0380100			
CHARGES @ CONV	CITES	CT CL COURT ACTION	CA DATE
POSS FORGED INSTR	13A-009-006	01 C GUILTY PLEA	08/02/2006
		00	00/00/0000
		00	00/00/0000
JUDGE: SIDNEY E. JACKSON		PROSECUTOR: BINFORD HENRY D	
PROBATION APPLIED	GRANTED	DATE	REARRESTED DATE
(X) Y () N	() Y (X) N	8-2-06	9-13-06
15-18-8	CODE OF ALA 1975	IMPOSED	SUSPENDED
() Y (X) N	CONFINEMENT:	05 00 000	00 00 000
	PROBATION:	00 00 000	00 00 000
DATE SENTENCED: 08/02/2006		SENTENCE BEGINS: 09/13/2006	
PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCURR SENT	ATTORNEY FEE	\$500.00	\$500.00
	CRIME VICTIMS	\$750.00	\$750.00
	COST	\$273.00	\$273.00
	FINE	\$1500.00	\$1500.00
	MUNICIPAL FEES	\$0.00	\$0.00
	DRUG FEES	\$0.00	\$0.00
	ADDTL DEFENDANT	\$0.00	\$0.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$3023.00	\$3023.00
APPEAL DATE	SUSPENDED	AFFIRMED	REARREST
() Y (X) N	() Y () N	() Y () N	() Y () N
REMARKS:			
THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.			
AMENDED DEFT REMOVED FROM HOUSTON COUNTY CCO, SENT TO CUSTODY OF THE ALABAMA DEPT OF CORRECTIONS TO SERVE THR REMAINDER OF HIS SENTENCE			
JUDY BYRD			
10/19/2006			

OPERATOR: JIS
PREPARED: 10/19/2006

COPY

ACR359

ALABAMA JUDICIAL DATA CENTER
HOUSTON COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORTCC 2005 001777.00 01
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY		COURT ORI: 038015 J	
STATE OF ALABAMA SMITH JIMMIE LEE C/O HCJ 901 E MAIN ST DOTHAN AL 36301	VS.	ALIAS: ALIAS:	DC NO: DC 2005 002562.00 G J: 33-10 SSN: 591180251 SID: 0000000000 AIS:
DOB: 01/29/1983 RACE: ()W (X)B ()O	SEX: M COMPLEXION:	HT: 5 08 WT: 130	HAIR: BLK EYE: BRO FEATURES:
DATE OFFENSE: 07/06/2005 ARREST DATE: 10/29/2005 ARREST ORI: 0380100			
CHARGES @ CONV POSS FORGED INSTR	CITES 13A-009-006	CT CL COURT ACTION 01 C GUILTY PLEA 00 00	CA DATE 08/02/2006 00/00/0000 00/00/0000
JUDGE: SIDNEY E. JACKSON		PROSECUTOR: BINFORD HENRY D	
PROBATION APPLIED (X)Y()N 8-2-06	GRANTED DATE ()Y(X)N 9-13-06	REARRESTED DATE ()Y()N	REVOKED DATE ()Y()N
15-18-8 CODE OF ALA 1975 ()Y (X)N CONFINEMENT:	IMPOSED 05 00 000 00 00 000	SUSPENDED 05 00 000 00 00 000	TOTAL 05 00 000 00 00 000
DATE SENTENCED: 08/02/2006	SENTENCE BEGINS: 09/13/2006		
PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCUR SENT	ATTORNEY FEE	\$500.00	\$500.00
	CRIME VICTIMS	\$750.00	\$750.00
	COST	\$273.00	\$273.00
	FINE	\$1500.00	\$1500.00
	MUNICIPAL FEES	\$0.00	\$0.00
	DRUG FEES	\$0.00	\$0.00
	ADDTL DEFENDANT	\$0.00	\$0.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$3023.00	\$3023.00
APPEAL DATE	SUSPENDED	AFFIRMED	REARREST
()Y(X)N	()Y()N	()Y()N	()Y()N
REMARKS:			
THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.			
AMENDED DEFT REMOVED FROM HOUSTON COUNTY CCO, SENT TO CUSTODY OF THE ALABAMA DEPT OF CORRECTIONS TO SERVE THR REMAINDER OF HIS SENTENCE			
JUDY BYRD 10/19/2006			

OPERATOR: JIS
PREPARED: 10/19/2006

COPY

ACR359

ALABAMA JUDICIAL DATA CENTER
HOUSTON COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORTCC 2005 001778.00 01
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY

COURT ORI: 038015 J

STATE OF ALABAMA
SMITH JIMMIE LEE
C/O HCJ
DOTHAN AL 36301

VS.

ALIAS:
ALIAS:DC NO: DC 2005 002563.00
G J: 34-10
SSN: 591180251
SID: 0000000000
AIS:DOB: 01/29/1983 SEX: M HT: 5 08 WT: 130 HAIR: BLK EYE: BRO
RACE: ()W (X)B ()O COMPLEXION: AGE: FEATURES:

DATE OFFENSE: 07/06/2005 ARREST DATE: 10/29/2005 ARREST ORI: 0380100

CHARGES @ CONV CITES CT CL COURT ACTION CA DATE
POSS FORGED INSTR 13A-009-006 01 C GUILTY PLEA 08/02/2006
00 00/00/0000
00 00/00/0000

JUDGE: SIDNEY E. JACKSON

PROSECUTOR: BINFORD HENRY D

PROBATION APPLIED GRANTED DATE REARRESTED DATE REVOKED DATE
(X)Y()N 8-2-06 ()Y(X)N 9-13-06 ()Y()N ()Y()N15-18-8 CODE OF ALA 1975 IMPOSED SUSPENDED TOTAL JAIL CREDIT
()Y (X)N CONFINEMENT: 05 00 000 00 00 000 05 00 000 00 00 435
PROBATION: 00 00 000 00 00 000 00 00 000
DATE SENTENCED: 08/02/2006 SENTENCE BEGINS: 09/13/2006

PROVISIONS

COSTS/RESTITUTION

DUE

ORDERED

PENITENTIARY
CONCURR SENTRESTITUTION \$0.00 \$0.00
ATTORNEY FEE \$500.00 \$500.00
CRIME VICTIMS \$750.00 \$750.00
COST \$273.00 \$273.00
FINE \$1500.00 \$1500.00
MUNICIPAL FEES \$0.00 \$0.00
DRUG FEES \$0.00 \$0.00
ADDTL DEFENDANT \$0.00 \$0.00
DA FEES \$0.00 \$0.00
COLLECTION ACCT \$0.00 \$0.00
JAIL FEES \$0.00 \$0.00

TOTAL

\$3023.00

\$3023.00

APPEAL DATE

SUSPENDED

AFFIRMED

REARREST

()Y(X)N ()Y()N ()Y()N ()Y()N

REMARKS:

THIS IS TO CERTIFY THAT THE
ABOVE INFORMATION WAS EXTRACTED
FROM OFFICIAL COURT RECORDS
AND IS TRUE AND CORRECT.*AMENDED* DEFT REMOVED FROM HOUSTON COUNTY CCO, SENT TO CUSTODY OF
THE ALABAMA DEPT OF CORRECTIONS TO SERVE THR REMAINDER OF HIS SENTENCE

JUDY BYRD

10/19/2006

OPERATOR: JIS
PREPARED: 10/19/2006

COPY

ACR359

ALABAMA JUDICIAL DATA CENTER
HOUSTON COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORTCC 2005 001779.00 01
SIDNEY E. JACKSON

CIRCUIT COURT OF HOUSTON COUNTY

COURT ORI: 038015 J

STATE OF ALABAMA
SMITH JIMMIE LEE
C/O HCJ
901 E MAIN ST
DOTHAN AL 36301

VS.

ALIAS:
ALIAS:DC NO: DC 2005 002564.00
G J: 35-10
SSN: 591180251
SID: 000000000
AIS:DOB: 01/29/1983 SEX: M HT: 5 08 WT: 130 HAIR: BLK EYE: BRO
RACE: () W (X) B () O COMPLEXION: AGE: FEATURES:

DATE OFFENSE: 07/06/2005 ARREST DATE: 10/29/2005 ARREST ORI: 0380100

CHARGES @ CONV CITES CT CL COURT ACTION CA DATE
POSS FORGED INSTR 13A-009-006 01 C GUILTY PLEA 08/02/2006
00 00/00/0000
00 00/00/0000

JUDGE: SIDNEY E. JACKSON

PROSECUTOR: BINFORD HENRY D

PROBATION APPLIED GRANTED DATE REARRESTED DATE REVOKED DATE
(X) Y () N 8-2-06 () Y (X) N 9-13-06 () Y () N () Y () N15-18-8 CODE OF ALA 1975 IMPOSED SUSPENDED TOTAL JAIL CREDIT
() Y (X) N CONFINEMENT: 05 00 000 00 00 000 05 00 000 00 00 435
PROBATION: 00 00 000 00 00 000

DATE SENTENCED: 08/02/2006 SENTENCE BEGINS: 09/13/2006

PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCURR SENT	ATTORNEY FEE	\$500.00	\$500.00
	CRIME VICTIMS	\$750.00	\$750.00
	COST	\$273.00	\$273.00
	FINE	\$1500.00	\$1500.00
	MUNICIPAL FEES	\$0.00	\$0.00
	DRUG FEES	\$0.00	\$0.00
	ADDTL DEFENDANT	\$0.00	\$0.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$3023.00	\$3023.00

APPEAL DATE SUSPENDED AFFIRMED REARREST

() Y (X) N () Y () N () Y () N () Y () N

REMARKS:

THIS IS TO CERTIFY THAT THE
ABOVE INFORMATION WAS EXTRACTED
FROM OFFICIAL COURT RECORDS
AND IS TRUE AND CORRECT.*AMENDED* DEFT REMOVED FROM HOUSTON COUNTY CCO, SENT TO CUSTODY OF
THE ALABAMA DEPT OF CORRECTIONS TO SERVE THR REMAINDER OF HIS SENTENCE.

JUDY BYRD

10/19/2006

OPERATOR: JIS
PREPARED: 10/19/2006

DISTRICT JUDGE

ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 2005 002561.00
 CASE ACTION SUMMARY
 DISTRICT CRIMINAL RUN DATE: 07/07/2005
 IN THE DISTRICT COURT OF HOUSTON JUDGE: SEU

STATE OF ALABAMA VS SMITH JIMMIE LEE
 9380 103RD ST LOT 17
 CASE: DC 2005 002561.00 JACKSONVILLE, FL 32210 0000

DOB: 01/29/1958 SEX: M RACE: B HT: 5 08 WT: 150 HAIR: BLK EYES: BRO
 SSN: 071100201 ALIAS NAMES:
 CHARGE01: POSS FORGED INSTR 2N CODE01: CFF2 LIT: POSS FORGED IN TYP: F #: 001
 OFFENSE DATE: 07/06/2005 AGENCY/OFFICER: 0300100 RHETT D

DATE WAR/CAP ISS: DATE ARRESTED: 07/06/2005
 DATE INDICTED: DATE FILED: 07/07/2005
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$10,000.00 SURETIES:

DATE 1: 07/06/2005 DEED: APFD TIME: 0200 P
 DATE 2: DEED: TIME: 0000

TRACKING NOS: WR 2005 014337 00 /

DEF/ATY: TYPE: TYPE:

00000

00000

PROSECUTOR:

OTH CSE: WR200501433700 CHK/TICKET NO: WR2005014337 GRAND JURY: 032-12
 COURT REPORTER: BID NO: 000000000
 DEF STATUS: CALL DEMAND: OPER: AMI

DATE ACTIONS, JUDGEMENTS, AND NOTES

1/9/2005

Defendant before the Court and advised of
 his/her rights, Hon. will hire atty
 is appointed counsel for the Defendant.

Brad Marshall, JUDGE

DISTRICT JUDGE

ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 2005 002562.00
 CASE ACTION SUMMARY
 DISTRICT CRIMINAL
 RUN DATE: 07/07/2005
 IN THE DISTRICT COURT OF HOUSTON JUDGE: SD

STATE OF ALABAMA

VS

SMITH JIMMIE LEE
 4200 103RD ST LOT 17

CASE: DC 2005 002562.00

JACKSONVILLE, FL 32210 0000

DOB: 01/29/1968 SEX: M RACE: B HT: 5 08 WT: 150 HAIR: BLK EYES: BRO
 SSN: 041100251 ALIAS NAME:
 CHARGE: 0005 FORGED INSTR 24 000001: 0005 LIT: 0005 FORGED IN TYP: F B: 001
 OFFENSE DATE: 07/06/2005 AGENCY/OFFICER: 0300100 RHETT D

DATE VAR/CAJ 100:
 DATE INDICTED:
 DATE RELEASED:
 BOND AMOUNT: \$10,000.00

DATE ARRESTED: 07/06/2005
 DATE FILED: 07/07/2005
 DATE HEARING:
 SURETIES:

DATE 1: 07/06/2005 DEED: APPD
 DATE 2: DEED:

TIME: 0000 P
 TIME: 0000

TRACKING NO: WR 2005 014553 00 /

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR:

ITH CSP: WR200501455300 CHR/TICKET NO: WR2005014553 GRAND JURY: 035-10
 COURT REPORTER: BID NO: 000000000
 CASE STATUS: LALL DEMAND: OPER: AMI

DATE ACTIONS, JUDGEMENTS, AND NOTES

7/9/2005

Defendant before the Court and advised of
 his/her rights. Hon. Will Nix
 is appointed counsel for the Defendant.

Bruce Marshall JUDGE
 DISTRICT JUDGE

ALABAMA JUDICIAL INFORMATION SYSTEM CASE: 02 2005 002563.00
 OPER: AMI CASE ACTION SUMMARY
 DISTRICT: DISTRICT JUDGE: RUN DATE: 07/07/2005
 IN THE DISTRICT COURT OF HOUSTON JUDGE: SEV

STATE OF ALABAMA VS SMITH JIMMIE LEE
 CASE: 02 2005 002563.00 4380 103RD ST LOT 17
 JACKSONVILLE, FL 32210 0000
 DOB: 01/29/1983 SEX: M RACE: B HT: 5 06 WT: 120 HR: BLK EYES: BRO
 DOB: 03/18/2001 ALIAS NAME:
 CHARGE01: POSS FORGED INSTR 2N CODE01: OFF2 LIT: POSS FORGED IN TYP: F # 001
 OFFENSE DATE: 07/06/2005 AGENCY/OFFICER: 0380100 RHETT D

DATE WAR/CAP ISS: DATE ARRESTED: 07/06/2005
 DATE INDICTED: DATE FILED: 07/07/2005
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$10,000.00 SURETIES:

DATE 1: 07/06/2005 DEED: APFD TIME: 0200 P
 DATE 2: DEED: TIME: 0000

TRACKING NOS: WR 2005 014337 00 /

DEF/ATY: TYPE: TYPE:

00000

00000

PROSECUTOR:

OTL CSE: WR200501433700 CHK/TICKET NO: WR2005014337 GRAND JURY: 034-10
 COURT REPORTER: BID NO: 000000000
 DEF STATION: JAL DEMAND: OPER: AMI
 DATE ACTIONS, JUDGEMENTS, AND NOTES

7/8/2005
 Defendant before the Court and advised of
 his/her rights, Hon. Will H. Smith
 is appointed counsel for the Defendant.

Bob M. Smith JUDGE
 DISTRICT JUDGE

ALABAMA JUDICIAL INFORMATION SYSTEM CASE: 02 2005 002554.00
 OPER: AMI CASE ACTION SUMMARY
 PAGE: 1 DISTRICT CRIMINAL RUN DATE: 07/07/2005
 IN THE DISTRICT COURT OF HOUSTON JUDGE: SEU

STATE OF ALABAMA

VS

SMITH JIMMIE LEE
 9300 103RD ST LOT 17

CASE: 02 2005 002554.00

JACKSONVILLE, FL 32210 0000

DOB: 01/24/1955 SEX: M RACE: B HT: 5 08 WT: 150 HR: BLK EYES: BRO
 SSN: 991100001 ALIAS NAMED:
 CLASS01: 7003 FORGED INSTR 24 000201: OFF2 LIT: 7003 FORGED IN TYP: F #: 001
 OFFENSE DATE: 07/06/2005 AGENCY/OFFICER: 0380100 RHETT D

DATE WAR/CAV ISS:
 DATE INDICTED:
 DATE RELEASED:
 BOND AMOUNT: \$10,000.00

DATE ARRESTED: 07/06/2005
 DATE FILED: 07/07/2005
 DATE HEARING:
 SURETIES:

DATE 1: 07/06/2005 DEED: APPD
 DATE 2: DEED:

TIME: 0200 P
 TIME: 0000

TRACKING NOS: WR 2005 014340 00 /

DEF/ATY:

TYPE:

TYPE:

00000

00000

PROSECUTOR:

OTH CSP: WR000001434000 CHR/TICKET NO: WR0000014340 GRAND JURY: 005-10
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: JAIL DEMAND: OPER: AMI
 DATE ACTIONS, JUDGEMENTS, AND NOTES

7/9/2005
 Defendant before the Court and advised of
 his/her rights, Hon. *will hire attorney*
 is appointed counsel for the Defendant.

Brad Marshall, JUDGE
 DISTRICT JUDGE

COURT INFORMATION

C/O WeaverlingName Smith, JimmieInmate No. 57598

Date	Charge	Case No.	Next Court Date	Sentence	Hear Date	Amt. Bond
7-8-05	PFI ^{2nd} X4	WR05-14337				10,000. ⁰⁰ ON
		Thru				each case
		WR05-14340				

Remarks and Atty's Name _____

JUDGE: Mendheim

57598

DOTHAN POLICE DEPARTMENT ARREST REPORT

CASE#	1-05002430	ITEM#	1	DATE	07/06/05	ARREST TIME	03:47	BOOKING TIME	05:11	<input checked="" type="checkbox"/> ADULT	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> IH4					
NAME (LAST, FIRST, MIDDLE)								ALIAS NAMES OR NICKNAMES									
Smith, Jimmie Lee								Haines, Andre									
ADDRESS						CITY		STATE		ZIP							
9380 103rd St. Lot 17						Jacksonville		FL		32210							
HOME PHONE		WORK PHONE		DOB		POB		SSN									
904-803-3174		none		01/29/83		Jacksonville, FL		591-18-0251									
OLN/ID		STATE		RACE		SEX		ETHNIC ORIGIN		OCCUPATION							
IP 5530-432-83-0290		FL		B		M		black		n/a							
EMPLOYER				EMPLOYER ADDRESS													
HAIR COLOR		HAIR LENGTH		HAIR STYLE		EYE COLOR		COMPLEXION		FACIAL HAIR		BUILD					
black		short		afro		brown		medium		none		slim					
TEETH		SPEECH		WEAPON HELD		HAND USE		MARITAL STATUS		SOBRIETY							
normal		normal				right		single		sober							
CAUTIONS				RELIGION				SCARS, MARKS, TATTOOS									
				baptist				none									
SID#		SID#		SID#		FBI#											
RELATED CASE#		SOURCE		RELATED CASE#		SOURCE											
1-05006168		OFFN		1-05000662		TOWH											
RELATED CASE#		SOURCE		RELATED CASE#		SOURCE											
1-05000784		EVDN		1-05006575		CITA											
VIOLATION LOCATION											ZONE						
2800 Ross Clark Circle, Dothan, AL 36305											12						
ARREST LOCATION											ZONE						
2800 Ross Clark Circle Dothan, AL 36305											12						
<input checked="" type="checkbox"/> ON VIEW		<input checked="" type="checkbox"/> CALL		<input checked="" type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> JPO		COUNTS		UCR		STATUTE		CLEARED			
								1		9999		13A8194		1			
<input checked="" type="checkbox"/> ON VIEW		<input checked="" type="checkbox"/> CALL		<input checked="" type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> JPO		COUNTS		UCR		STATUTE		CLEARED			
								4		2502		13A-9-6		4			
<input type="checkbox"/> ON VIEW		<input type="checkbox"/> CALL		<input type="checkbox"/> WARRANT		<input type="checkbox"/> JPO		CHARGE 3		COUNTS		UCR		STATUTE		CLEARED	
<input type="checkbox"/> ON VIEW		<input type="checkbox"/> CALL		<input type="checkbox"/> WARRANT		<input type="checkbox"/> JPO		CHARGE 4		COUNTS		UCR		STATUTE		CLEARED	
<input type="checkbox"/> ON VIEW		<input type="checkbox"/> CALL		<input type="checkbox"/> WARRANT		<input type="checkbox"/> JPO		CHARGE 5		COUNTS		UCR		STATUTE		CLEARED	
AW#1				AW#2				AW#3				AW#4					
AW#5				AW#6				AW#7				AW#8					
AW#9				AW#10													
ARRESTING OFFICER								ID#		SHIFT		SUPERVISOR/AD#					
Cpl. L. Nelms / Williamson/202								418		3							

LEAVE BLANK

CRIMINAL

STATE USAGE

NFF SECOND

SUBMISSION

APPROXIMATE CLASS

AMPUTATION

SCAR

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

SMITH, JIMMIE LEE

STATE USAGE

X Smith
SIGNATURE OF PERSON FINGERPRINTED

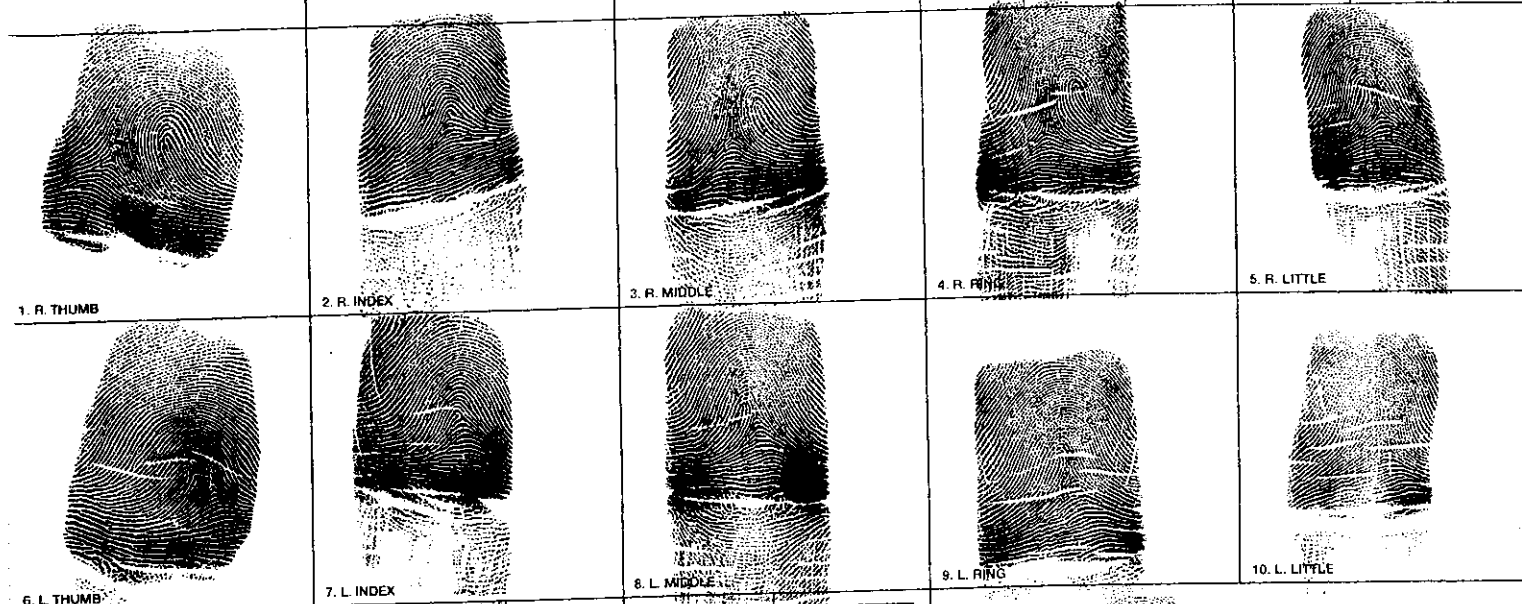
SOCA SECURITY
591180251

LEAVE BLANK

ALIASES/MAIDEN

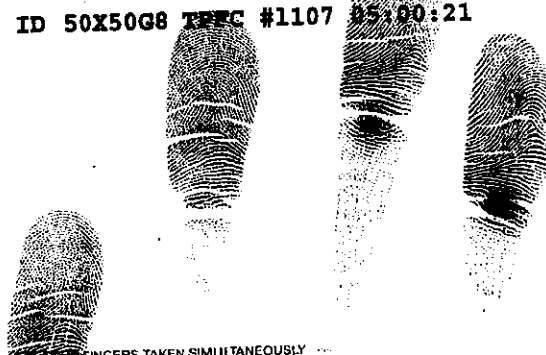
LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

FBI NO.	STATE IDENTIFICATION NO.	DATE OF BIRTH MM DD YY 1983 01 29	SEX M	RACE B	HEIGHT 508	WEIGHT 130	EYES BRO	HAIR BLK
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ID 50X50G8 TFFC #1107 05:00:21

5701LD #1x 20050707-05:21

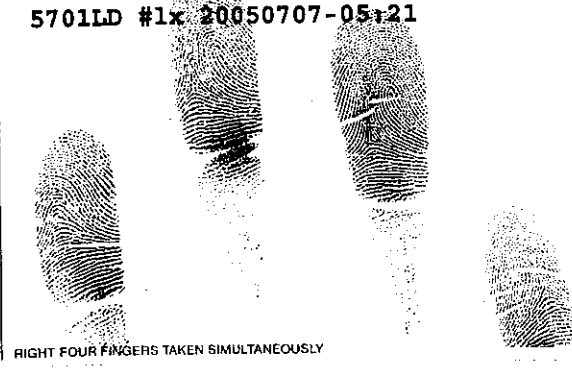


RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY



L. THUMB

R. THUMB



RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

SUBMISSION YES <input type="checkbox"/>		DATE OF ARREST MM DD YY 20050706		ORI AL0380000	
TREAT AS ADULT YES <input type="checkbox"/>				CONTRIBUTOR HOUSTON CO SD	
				ADDRESS DOTHAN AL	
				REPLY YES <input type="checkbox"/> Y DESIRED?	
SEND COPY TO (ENTER ORI)		DATE OF OFFENSE MM DD YY 20050706		PLACE OF BIRTH (STATE OR COUNTRY) FL	
				COUNTRY OF CITIZENSHIP US	
MISCELLANEOUS NUMBERS		SCARS, MARKS, TATTOOS, AND AMPUTATIONS TAT NECK			
		RESIDENCE/COMPLETE ADDRESS 9380 103RD ST.LOT 17		CITY JACKSONVILLE	
				STATE FL	
OFFICIAL TAKING FINGERPRINTS (NAME OR NUMBER) J25 TAMALIN SMITH		LOCAL IDENTIFICATION/REFERENCE 57598		PHOTO AVAILABLE? YES <input checked="" type="checkbox"/> X	
				PALM PRINTS TAKEN? YES <input type="checkbox"/>	
EMPLOYER: IF U.S. GOVERNMENT, INDICATE SPECIFIC AGENCY IF MILITARY, LIST BRANCH OF SERVICE AND SERIAL NO UNEMPLOYED				OCCUPATION LABORER	
CHARGE/CITATION 1. 20050706 2506 POSSESS FORGED 2NDX4				DISPOSITION 1.	
2.				2.	
3.				3.	
ADDITIONAL				ADDITIONAL	
ADDITIONAL INFORMATION/BASIS FOR CAUTION				STATE BUREAU STAMP	